

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6021-2020

Date of Decision: 01.03.2023

NIMMI SHARMA AND ORS ... PETITIONERS
VS.
STATE OF U.T. CHANDIGARH AND ORS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohit Garg, Advocate
for the petitioners.

Mr. P.S.Paul, Addl. P.P.
for respondent No.1-U.T.Chandigarh.

Mr. Suresh Nain, Advocate for
Mr. Manjeet Singh, Advocate
for respondents No. 2 to 4.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.285 dated 23.08.2019 under Sections 147/148/149/323/452 and 506 IPC registered at Police Station Sector-39 Chandigarh on the basis of compromise.

On 11.02.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 11.02.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per the report of Ahlmad, there are six accused persons namely Nimmi Sharma, Sarv Mohan Sharma, Parvesh Sharma, Akshay @ Kuku Sharma, Surender Sharma and Mohd. Sanu, in this case who have never been declared PO. Since, the matter has been compromised by the complainant

with the accused and the compromise is genuine, voluntarily and out of free Will of the parties and the complainant has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete and good in the eyes of law.

Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries on the person of respondents No. 2 to 4. It has been further submitted that the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The injuries on the person of respondents No. 2 to 4 are simple in nature and none of the injured has suffered any disability much less permanent disability. An amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel appearing for respondents No.2 to 4 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving

case is made out where the court should exercise the power to secure the

ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.285 dated 23.08.2019 under Sections 147/148/149/323/452 and 506 IPC registered at Police Station Sector-39 Chandigarh on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

01.03.2023.
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No