

Date of decision: 20.09.2023

...PETITIONERS

...RESPONDENTS

RENU BALA
2023.09.25 10:11
I attest to the accuracy and
integrity of this document

Submitted the report, the relevant para whereof reads as under:-

“It is submitted that petitioners/accused namely (1) Satnam Singh son of Rattan Singh (2) Gulzar Singh son of Rachhpal Singh (3) Gurwinder Singh son of Rachhpal Singh, all resident of Village Kharal, Police Station Dinanagar, District Gurdaspur were accused in the present case and Respondent No.2 Kawaljit Kaur wife of Gurmit Singh, resident of Village Kharal, Police Station Dinanagar, District Gurdaspur was complainant in this case.

The parties have appeared before the Court of undersigned on 10.03.2023. The respondent No.2 Kawaljit Kaur wife of Gurmit Singh, resident of Village Kharal, Police Station Dinanagar, District Gurdaspur appeared and suffered her statement regarding compromise. The identity of complainant/respondent No.2 Kawaljit Kaur is verified by her identity card and by her learned counsel Sh. Simranjit Singh Gill, Advocate

The Ld. counsel Sh. Parminder Singh Ghuman, Advocate appeared for petitioners/accused and he identify all the petitioners/accused and their identity was verified by their identity cards in Court.

It is further submitted that statement of Investigating Officer ASI Varinder Pal Belt No.987/Gsp, Investigating Officer, now present posted at In-charge Gas Agency, District Gurdaspur has been recorded on 01.04.2023. He identified all the accused and complainant Kawaljit Kaur (Statement of I.O. is attached herewith).

It is further submitted that from the statement of Investigating Officer ASI Varinder Pal Belt No.987/Gsp, it is transpired that in the present case FIR No.66 dated 24.05.2019 P.S. Dinanagar, District Gurdaspur under Sections 324/34 of IPC was got registered against Gurmeet Singh son of Sucha Singh and Nirmal Kaur wife of Jasbir Singh, both the resident of Village Kharal, P.S. Dinanagar, District Gurdaspur on the statement of complainant Gulzar Singh son of Rachpal Singh, resident of Village Kharal, P.S. Dinanagar, District Gurdaspur. Vide GD No.39 dated 25.05.2019, offence under Section 326 was added later on however, Challan against accused was presented under Section 341/34 of IPC and cross case was registered vide GD No.32 dated 27.05.2019 under Section 354/506/34 IPC registered against Gurwinder Singh son of Rachpal Singh, Gulzar Singh son of Rachpal Singh, Satnam Singh son of Rattan Singh, resident of Village Kharal, P.S. Dinanagar, District Gurdaspur on the statement of complainant Kawaljit Kaur wife of Gurmeet

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Singh.

None of the accused have been proclaimed person in the above noted cross case and further no other criminal proceedings are pending against above noted accused persons/petitioners with the complainant/respondents No.2 at Police Station Dinanagar. It is further stated that no other FIR/cross case is registered against accused at Police Station Dinanagar. It is further stated that beside the accused (petitioners) mentioned in the petition there is no other accused in the cross case registered by vide GD No.32 dated 27.05.2019 as per statement of Investigating Officer.

It is also submitted that present case is fixed for prosecution evidence and it is further submitted that from the statement of the parties, it appears that compromise is genuine, voluntary and without any pressure, coercion and undue influence."

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries on the person of respondent No.2 and outraged her modesty. Although, as per the allegations, Gurmeet Singh who is the husband of respondent No.2 was given punch blows and he has not been arraigned as a party in the instant case but in the petition for quashing the FIR instituted by Gurmeet Singh and his wife, his statement with regard to the amicable settlement has been recorded. The injuries attributed to the petitioners are simple in nature. It is a case of version and cross-version. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the 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.

8. 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.

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

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, GD No.32 dated 27.05.2019 under Sections 354/506/34 IPC, registered at Police Station Dina Nagar, District Gurdaspur in the FIR No.66 dated 24.05.2019, under Sections 324/323/326/34 IPC, registered at Police Station Dina Nagar, District Gurdaspur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

20.09.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No