

**264-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-7558-2023
Date of decision: 20.09.2023**

GURMEET SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Amarjot Kaur, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Ritesh Pandey, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of 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, on the basis of compromise.
2. On 14.02.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 14.02.2023, learned Judicial Magistrate 1st Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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Singh son of Sucha Singh (2) Nirmal Kaur wife of Jasbir Singh both resident of Village Kharal, Police Station Dinanagar, Tehsil and District Gurdaspur were accused in the present case and Respondent No.2 Gulzar Singh son of Rachhpal 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 Gulzar Singh son of Rachhpal Singh, resident of Village Kharal, Tehsil Dinanagar and District Gurdaspur appeared and suffered his statement regarding compromise. The identity of Gulzar Singh is verified by his identity card and by his Learned counsel Sh.Parminder Singh Ghuman, Advocate. The Ld. Counsel Sh. Simranjit Singh Gill, Advocate appeared for petitioners/accused and he identify both the petitioners/accused and their identity was verified by their identity cards in Court.

It is further submitted that statement of 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/injured Gulzar Singh son of Rachhpal Singh, resident of Village Kharal, Police Station Dinanagar District Gurdaspur (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 FIR No.66 dated 24.05.2019 Police Station Dinanagar District Gurdaspur under Sections 324, 34 of IPC was got registered against accused No. (1) Gurmeet Singh son of Sucha Singh (2) Nirmal Kaur wife of Jasbir Singh both resident of Village Kharal, Police Station Dinanagar, Tehsil and District Gurdaspur on the statement of Gulzar Singh and cross case was registered vide GD No.39 dated 25.05.2019 under Section 326 was added later on, however challan against accused was presented 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 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 Singh. None of the accused have been proclaimed person in the above noted FIR and further no other criminal proceedings are pending against above noted accused persons with the complainant/respondent No.2 at Police Station Dinanagar. It is further stated that no other FIR 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 FIR.

In a case having FIR No.66 dated 24.05.2019 P.S. Dinanagar, District Gurdaspur under Sections 324, 34 of IPC registered on the statement of Gulzar Singh son of Rachpal Singh, there were only two accused namely Gurmeet Singh and Nirmal Kaur. It is further stated that in main FIR case there is Gulzar Singh who is complainant. It is further stated that Gulzar Singh is also injured/victim in this case.

It is further stated that Jasbir Singh son of Sucha Singh was also arrayed as accused on the statement of Gulzar Singh as he attributed Lalkara at the time of incident. However, he was exonerated during inquiry conducted by DSP Mahesh Kumar, PPS, Sub- division Dinanager on dated 30.08.2019 and name of Jasbir Singh was cited in column No. 2 of the Charge-sheet. It is further stated that name of Jasbir Singh is not mentioned in the petition filed by petitioner Gurmeet Singh and Nirmal Kaur. Whatever I have stated above it contains true account of the case.

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. The injury under Section 326 IPC is on the index finger of right hand. The injury has not resulted in any disability. It is case of version and cross-version. The parties are the 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, FIR No.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