

CRM-M-7885-2022 (O&M) - 1 - 2023 : PHHC : 069960

253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7885-2022 (O&M)
Date of Decision: 15.05.2023

VISHAL AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Thakur, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Kapil Kumar, Advocate for respondent Nos. 2 and 3.

* * *

VIVEK PURI, J. (ORAL)

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1. This is an application for impleading the victim Mohinder Pal Singh as respondent No. 3.
2. By recording no objection from the counsels opposite, Mohinder Pal Singh is impleaded as respondent No. 3.
3. Amended memo of parties be taken on record.
4. Registry is directed to tag the same at the appropriate place.
5. Disposed of.

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6. This is an application for placing on record the affidavit of respondent No.3 and his Aadhar card as Annexures P-7 and P-8.
7. By recording no objection from the counsels opposite, the same be taken on record, subject to all just exceptions.
8. Registry is directed to tag the same at the appropriate place.
9. Disposed of.

Main case

10. Present petition under Section 482 Cr.P.C. is for quashing of FIR No.293 dated 29.12.2021, under Sections 323, 325, 34 IPC (Section 324 IPC added later on), registered at Police Station Model Town, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

11. Mr. Kapil Kumar, Advocate has filed Vakalatnama on behalf of respondent No. 3.

12. On 29.09.2022, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

13. In compliance of the order dated 29.09.2022, learned Judicial Magistrate First Class, Hoshiarpur has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“It is further submitted that as per report of ASI Onkar Singh No.207/HPR, investigating officer of this case, present case was registered against Vishal s/o Santokh Singh, Vicky @ Balvir Pal s/o Rattan Lal @ Rattan, Bholi @ Darshana w/o Rattan Lal and one unknown/unidentified person under Sections 323, 325, 34 IPC, 1860 on the complaint of Kuldeep Kaur w/o Darshan Pal. He has further reported that the said unknown/unidentified person is yet to be traced. The investigation of the case is still going on and out of accused namely Vishal, Vicky @ Balvir Pal, Bholi @ Darshana, none has been declared Proclaimed Offender till date.

From the statements of the parties, as have been recorded before this court, I am of the considered opinion that the parties have voluntarily compromised the matter at hand and the said compromise is genuine and has not been induced by undue influence or pressure.”

14. Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries on the person of respondent No.2 and they had also allegedly beaten respondent No.3, who is the son of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The parties are residents of the same locality and amicable settlement will help in maintaining cordial relations between them in future. Although, respondent No.3 was not impleaded as a party at the earlier instance but his affidavit, Annexure P-7 indicates that he had not sustained any injuries in the alleged incident. Although, there are allegations to the effect that the petitioner had given beatings to respondent No.3 but his affidavit indicates that he had not received any injury in the alleged incident. Even otherwise, he has categorically stated in the affidavit that he also agrees with the compromise and the dispute has been amicably settled.

15. Learned counsel for respondent Nos.2 and 3 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

16. 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 (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

17. 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.

18. 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*.

19. Accordingly, the present petition is allowed and FIR No. 293 dated 29.12.2021, under Sections 323, 325, 34 IPC (Section 324 IPC added later on), registered at Police Station Model Town, District Hoshiarpur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

15.05.2023

Janki

(VIVEK PURI)
JUDGE

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