

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8664-2023
Date of Decision: 19.04.2023

PUNEET KUMAR @ BABLU AND ORS.

... PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Malkiat Kaur, Advocate for
Mr. Vaibhav Sehgal, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Monika, Advocate for
Mr. Saurabh Savara, Advocate
for respondents No.2 to 5.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No. 2 dated 05.01.2023 under Sections 342/323/379-B/427/506/148 and 149 IPC (Sections 397 and 325 IPC added later on) registered at Police Station Sadar Khanna, Police District Khanna and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 23.02.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 23.02.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Khanna, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1) As per the statement of ASI Baljit Singh No.58/Khanna, in the present case, accused persons namely Puneet Kumar @ Bablu, Prince Verma, Amit Kumar Singla, Vinay Sharma, Avinash Garg and Prince @ Harsh Kumar Gupta and 10/15 unidentified

persons have been arraigned as accused.

(2) As per the statement of ASI Baljit Singh No. 58/Khanna, none of the aforesaid accused persons namely Puneet Kumar @ Bablu, Prince Verma, Amit Kumar Singla, Vinay Sharma, Avinash Garg and Prince @ Harsh Kumar Gupta are declared as proclaimed offenders in the present case.

(3) In the opinion of the undersigned, the parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise on the face of it seems to be voluntary, genuine and true.

(4) As per the statement of ASI Baljit Singh No.58/Khanna, the afore-said accused persons are not involved in any other case.

(5) As per the statement of ASI Baljit Singh No.58/Khanna, there is one complainant namely Rakesh Bajaj and three injured/victims namely Nitish Bajaj, Rajesh Bajaj and Naresh Bajaj in the present case.”

4. Learned counsel for the petitioners contend that the FIR is primarily an offshoot of land-lord and tenant dispute with regard to premises which were taken on lease by the petitioners from the private respondents. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. 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.

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

6. 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.

7. 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.

8. 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***.

9. 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.2 dated 05.01.2023 under Sections 342/323/379-B/427/506/148 and 149 IPC (Sections 397 and 325 IPC added later on) registered at Police Station Sadar Khanna, Police District Khanna and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

19.04.2023
smriti

(VIVEK PURI)
JUDGE

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