

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9580-2023
Date of Decision: 17.04.2023

AMAN SHARMA @ AMAN KUMAR @ SUNNY
... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Gaganpreet Singh Sandhu, Advocate for
Mr. Tripatjeet Singh Mann, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.2 dated 06.01.2023 under Sections 380, 427, 447, 511 (offence under Section 380 IPC deleted later on vide G.D.No.8 dated 30.01.2023) registered at Police Station City Morinda, District Rupnagar 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 Grade, Rupnagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) There are only three accused persons, namely, Aman Sharma @ Aman Kumar @ Sunny son of Bal Bhushan, Rajeev Sharma son of Sudesh

Kumar and Aditya Sharma @ Anu Sharma son of Sudesh Kumar involved.

(ii) No accused has ever been declared as proclaimed offender in this case, as per 'IO'.

(iii) The compromise appears to be genuine amongst complainant and two of the accused, namely, Aman Sharma and Rajeev Sharma. However, willingness of accused Aditya Sharma @ Anu Sharma cannot be commented upon as he has not appeared for his statement before the Court and it is only his attorney who has suffered statement on his behalf.

(iv) As per 'IO', no other case has been found to be registered against the accused.

(v) Bhavesh Chander son of late Babu Ram Kapila is the only victim/complainant in this case.”

4. Learned counsel for the petitioners contend that respondent No.2 is a tenant in the shop situated in Grain Market, Morinda under the petitioners. The FIR is an offshoot of the landlord and tenant dispute. The dispute has been amicably settled between the parties in terms of compromise dated 25.01.2023 (Annexure P-2). An amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel appearing 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 06.01.2023 under Sections 380, 427, 447, 511 (offence under Section 380 IPC deleted later on vide G.D.No.8 dated 30.01.2023) registered at Police Station City Morinda, District Rupnagar 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.

17.04.2023
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(VIVEK PURI)
JUDGE

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