

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 18.01.2023
CRM-M-11673-2021

MANJIT SINGH ALIAS MANGA AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANR .. RESPONDENTS

CRM-M-11491-2021

JASWANT SINGH ALIAS BITTU AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ORS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioners in CRM-M-11673-2021 and
for respondents No. 2 and 3 in CRM-M-11491-2021.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Narinder Kumar Awasthi, Advocate
for the petitioners in CRM-M-11491-2021 and
for respondent No.2 in CRM-M-11673-2021.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.133 dated 15.08.2016 under Sections 326/323 and 34 IPC and DDR No.29 dated 21.08.2016 under Sections 326/323 and 34 IPC recorded in FIR No.133 dated 15.08.2016 registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.12.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate.

In compliance of the order dated 21.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Tarn Taran has sent the report and the relevant portion whereof is reproduced here-

in-below:-

“It is submitted that as per statements of above mentioned Accused and complainant/injured in main FIR as well its cross version it appears that the compromise between the parties is genuine one and without any pressure or coercion and as per statement of Investigating Officer in present FIR namely ASI Makhtiar Singh all the accused and complainant in both main FIR and its cross version are present and are party to above mentioned CRM in Hon'ble High court. It is further submitted that as per statement of Investigating Officer in present FIR no accused has been declared as Proclaimed Offender in present FIR and further report u/s 173 Cr.P.C.(Challan) has not been presented by them before Learned Illaqa Magistrate till date.”

Learned counsel for the petitioners contend that it is case of version and cross-version. Although, in both the cases, one of the injuries pertain to the offence under Section 326 IPC, but the injured, in both the cases, are hale and hearty. None of them has suffered any disability much less permanent disability. The occurrence took place as back as on 05.08.2016 and the matter is still at the stage of investigation. The parties are the residents of the same village and amicable settlement will help in maintaining the cordial relations between the parties in future.

Learned counsel appearing for the private respondent(s), in both the cases, have not disputed the aforesaid factual aspect(s) and further stated that they have no objection if the FIR and DDR are quashed.

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.

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.

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***.

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.133 dated 15.08.2016 under Sections 326/323 and 34 IPC and DDR No.29 dated 21.08.2016 under Sections 326/323 and 34 IPC recorded in FIR No.133 dated 15.08.2016 registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both the petitions stand allowed.

18.01.2023
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(VIVEK PURI)
JUDGE

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