

275      **IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH**

CRM-M-10049-2023  
Date of Decision: 10.08.2023

KULWINDER SINGH AND ORS.

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Ms. Sukhveer Kaur, Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Ravinder Pankaj, Advocate  
for respondent No. 2.

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**VIVEK PURI J. (Oral)**

1.           This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 136, dated 19.06.2020 registered under Sections 354-A 354-B, 506, 323 and 34 of Indian Penal Code at Police Station Dhariwal, District Gurdaspur and all consequential proceedings arising therefrom, on the basis of compromise.

2.           Vide order dated 23.03.2023, passed by this Court, 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.

3.           In compliance of the aforesaid order, report has been received from the court of Chief Judicial Magistrate, Gurdaspur and relevant

portion of the same is reproduced below:

*“Further, SI Rajinder Kaur No. 44/BRT also appeared and suffered a statement that the present case was got registered by complainant Kawaljit Kaur d/o Harpreet Singh r/o village Dehriwal Daroga, Dhariwal, District Gurdaspur against petitioners-accused Kulwinder Singh son of Ajit Singh aged about 41 years, Sharanjit Kaur W/o Kulwinder Singh aged about 29 years and Dalbir Kaur W/o Ajit Singh aged about 77 years, all residents of village Dehriwal Daroga, Dhariwal, District Gurdaspur. Three persons namely Kulwinder Singh, Sharanjit Kaur and Dalbir Kaur are arraigned as accused in the FIR. The parties are not involved in any other criminal case. No accused has been declared as proclaimed offender nor any such proceedings have been initiated or pending against them. (Original statement attached herewith).*

*It is submitted that besides the accused petitioners, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any criminal case, as per statement of Investigating Officer. Challan in this case has already been presented and the same is fixed for prosecution evidence.*

*The compromise is genuine, without any pressure or undue influence.”*

4. Learned counsel for the petitioner contends that as per the allegations made in the FIR, the petitioners were having dispute with the husband of respondent No. 2. The petitioner No. 1 had outraged modesty of respondent No. 2 and the petitioners also inflicted injuries upon the person of respondent No. 2. The injuries fall under Section 323 of IPC. The private dispute has been amicably settled between the parties in terms of the

compromise (Annexure P-2). The parties are close relatives and amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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 of close relatives 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. Accordingly the present petition is allowed and FIR No. 136, dated 19.06.2020 registered under Sections 354-A, 354-B, 506, 323 and 34 of Indian Penal Code at Police Station Dhariwal, District

Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10.08.2023  
Ajay Goswami

(VIVEK PURI)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |