

2023:PHHC:055627

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10814-2022
Date of Decision: 20.04.2023

NIRMAL SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prashant Vashisth, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Nimanyu Gautam, Advocate for
Mr. Vikas Gupta, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 46 dated 03.06.2019, registered for offences punishable under Sections 295/341/34 of IPC, at Police Station Kotli Surat Mallian, Batala, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 22.11.2022 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.

3. In compliance of the order dated 22.11.2022, learned Judicial

Magistrate First Class, Batala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1) Number of persons arrayed as accused in the FIR.

On this count, it was submitted by the investigating officer that in the present FIR there are only two accused namely Nirmal Singh son of Sawaran Singh, Varinder Singh @ Ravinder Singh son of Nirmal Singh i.e. the present petitioners.

2) Whether any accused is a proclaimed offender or involved in any other FIR?

According to the statement of the investigating officer, accused have not been declared as proclaimed offender/persons but they are also involved in FIR No. 18 dated 05.07.2018 u/s 323, 324, 326 IPC.

3) Stage of the trial/proceedings.

Perusal of the judicial record reveals that challan has been presented. However, the matter is pending for prosecution evidence.

4) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Petitioners/accused Nirmal Singh and Varinder Singh @ Ravinder Singh and complainant/ Rattan Singh appeared in the Court along with their respective Advocates and stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant/respondent Pattan Singh stated in specific terms that he had no objection if the quashing proceedings filed by the petitioners/accused are accepted. Both the parties were identified by their respective Advocates.

The respondents/complainants and petitioners/accused were asked to show their identity cards and photocopies of the same were taken on record (Photocopies of identity cards and statements attached herewith).

Therefore, from the statements of the parties, it appears that compromise entered into between the parties is genuine, voluntary and out of free will.

5.) Number of victims/complainant in the present FIR.

As per the statement of IO, there is only one complainant/victim namely Rattan Singh in the instant FIR .”

4. Learned counsel for the petitioners contend that as per the allegations, the petitioners had blocked the way of respondent No.2, snatched his turban, entered into scuffle and used abusive language. It has been submitted that the dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). Even, another FIR was

registered against the petitioner at the instance of respondent No.2 and the matter has been amicably settled therein also. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (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.

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. Accordingly, the present petition is allowed and FIR No. 46

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dated 03.06.2019, registered for offences punishable under Sections 295/341/34 of IPC, at Police Station Kotli Surat Mallian, Batala, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

20.04.2023

Janki

**(VIVEK PURI)
JUDGE**

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