

2023:PHHC:070847

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Date of Decision: May 16, 2023

1) CRM-M-12071-2023

Mohammed Latif @ Latif ... *Petitioner*

Versus

State of Punjab & Others ... *Respondents*

2) CRM-M-12017-2023

Mohammed Latif @ Latif ... *Petitioner*

Versus

State of Punjab ... *Respondents*

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Brajesh Kumar, Advocate,
for the petitioner.

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

Mr. Naveen Kumar, Advocate,
for respondents No. 2 and 3
(in CRM-M-12071-2023).

Vivek Puri, J.

1. In CRM-M-12071-2023, the petitioner has approached this Court by way of instant petition under Sections 482 of the Code of Criminal Procedure invoking the inherent jurisdiction for quashing the FIR No. 80, dated 27.09.2014, under Sections 323, 324, 148, 149 of the Indian Penal Code (for short 'IPC'), registered at Police Station Mukandpur, SBS Nagar and subsequent

proceedings arising therefrom on the basis of the compromise dated 24.02.2023.

2. In CRM-M-12017-2023, the petitioner is seeking to quash the order dated 18.11.2015 passed by the Court of learned Judicial Magistrate First Class, whereby the petitioner has been declared as proclaimed person.

3. Both the aforesaid petitions have been listed together for hearing as the same have been filed by the same petitioner. As such, the afore-mentioned petitions are being decided by a common judgment.

4. On 10.03.2023, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned trial Court/Illaq Magistrate shall send a report regarding the genuineness of the compromise and also to intimate whether any accused is proclaimed offender.

5. In compliance of the order dated 10.03.2023, the learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar has sent its report and the relevant portion thereof is reproduced as following:-

“As per statements of complainant Mohammad Latif @ Latif and injured Sabbo as well accused / petitioner, the compromise effected between them seems to be genuine, voluntarily, without any pressure or undue influence. Earlier the

accused was declared proclaimed offender but as per the order dated 10.03.2023 passed by Hon'ble High Court he has been released on bail."

6. Learned counsel for the petitioner contends that as per the allegations the petitioner along with co-accused had inflicted injuries on the persons of respondents no.2 and 3. The petitioner has been declared proclaimed person and other 5 co-accused have been acquitted by the learned trial Court in terms of the judgment dated 30.05.2016. The dispute has been amicably settled between the parties. The parties are residing in the neighbourhood and the amicable settlement will help in maintaining cordial relations between them in future.

7. After hearing the 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 private parties have arrived at a settlement, out of court, by way of compromise dated 24.02.2023. The compromise is without any pressure and is genuine one.

8. Although, the petitioner has been declared as proclaimed person, but it cannot be said that the power to quash the prosecution is limited only to the connected dispute alone and the same cannot be invoked to set aside

the order declaring the petitioner to be proclaimed person, in the event, the same are required to be exercised to achieve ends of justice and prevent the abuse of process of law. It may be true that the inherent powers under Section 482 Cr.P.C. cannot be exercised to quash the criminal proceedings where the offence is heinous in nature, but in the event, the matter is overwhelmingly and pre-dominantly of civil nature and particularly arising out of connected dispute, it shall be appropriate to quash the FIR and the entire subsequent proceedings to put a quietus to the matter. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the connected 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. With the amicable settlement effected between the parties, the chances of conviction of the petitioner is remote and minimal. Moreover, the co-accused have been acquitted vide judgment dated 30.05.2016 passed by the trial Court. Although the petitioner has been declared as proclaimed person but keeping in view the fact that an amicable settlement has been effected, the entire subsequent proceedings which have arisen out of connected dispute should come to an end by exercising inherent powers of this Court in order to secure the ends of justice. In

such a situation, the continuation of prosecution would result in sheer abuse of process of law.

9. The compromise has been voluntarily effected between the parties. The co-accused have been acquitted by the learned trial Court in terms of the judgment dated 30.05.2016. The dispute has been amicably settled between the parties. The parties are residing in the neighbourhood and the amicable settlement will help in maintaining cordial relations between them in future.

10. Learned counsel for the petitioner and respondent no.2 are *ad idem* that the dispute has been amicably settled between the parties.

11. 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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

12. 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.80, dated 27.09.2014, under Sections 323, 324, 148, 149 IPC, registered at Police Station Mukandpur, SBS Nagar and subsequent proceedings arising therefrom on the basis of the compromise dated 24.02.2023 including the order dated

18.11.2015 passed by the Court of learned Judicial Magistrate First Class, vide which the petitioner has been declared as proclaimed person, are ordered to be quashed, however, qua the petitioner only.

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

May 16, 2023
vk

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No