

258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12588-2023

Date of Decision: 15.05.2023

DINESH KUMAR @ PILLU AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashish Gupta, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Varun Gupta, Advocate for respondent Nos.2 to 4.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No.230 dated 11.11.2022, under Sections 341/323/148/149 IPC, registered at Police Station City Kot-Kapura, District Faridkot and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 14.03.2023, 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 14.03.2023, learned Judicial Magistrate First Class, Faridkot has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. As per statement of the Investigating Officer, there are five persons i.e., Dinesh Kumar alias Pillu and Arshdeep Singh alias Bunty Chaudhary and three unknown persons arrayed as

accused in the present FIR, except them there is no other accused involved in the present case.

2. As per statements of the Investigating Officer, none of accused/petitioners is absconding/ Proclaimed Offender in the case or involved in any other criminal case.

3. The compromise effected between the parties is genuine, voluntary, without any coercion or undue influence and is not result of any fraud or misrepresentation.

4. As per statements of the Investigating Officer, accused/petitioners are not involved in any other case except the present case.

5. As per statement of the Investigating Officer, there is one complainant, namely, Pargat Singh and two other victims, namely, Charanjit Singh and Manmeet Singh in the present FIR.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had wrongfully restrained respondent Nos.2 to 4 and inflicted injuries upon their person. The injuries are simple in nature. The dispute has been amicably settled between the parties in terms of compromise dated 27.01.2023 (Annexure P-2). The petitioners are working as Commission Agents and respondent Nos.2 to 4, who are agriculturists, had been selling their crop through them. An amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent Nos.2 to 4 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. 230 dated 11.11.2022, under Sections 341/323/148/149 IPC, registered at Police Station City Kot-Kapura, District Faridkot and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

15.05.2023

Janki

(VIVEK PURI)
JUDGE

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