

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13143-2023
Date of Decision: 13.09.2023

JAGPREET SINGH AND ANR. ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. B.S.Mittal, Advocate for
Mr. Vishal Sodhi, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.299 dated 15.10.2022 under Sections 354/341/506/34 IPC registered at Police Station Civil Lines, Batala, Police District Batala and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 16.03.2023, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.
3. In compliance of the order dated 16.03.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Batala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per statement of investigating officer ASI Gurnam Singh no.1914/Btl, no other accused has been arrayed in this case except petitioners Jagpreet Singh and Yuvraj Singh @ Jagraj Singh.

2. As per statement of investigating officer ASI Gurnam Singh no.1914/Btl, except complainant Karamjit Kaur, no other person is victim/aggrieved in this case.

3. As per statement of investigating officer ASI Gurnam Singh no.1914/Btl, accused Jagpreet Singh and Yuvraj Singh @ Jagraj Singh are also accused in FIR no. 298 dated 15.10.2022 u/s 307, 452, 506, 148, 149 IPC & Sec.25/27/54/59 of Arms Act, PS Civil Lines, Batala. In said FIR, matter has also compromised and quashing petition no. CRM-M-13289 is pending before Hon'ble High Court for 03.05.2023.

4. As per statement of investigating officer ASI Gurnam Singh no.1914/Btl, no accused has been declared proclaimed offender/person in this case.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had wrongfully confined and outraged the modesty of respondent No.2. The dispute has been amicably settled between the parties with the intervention of the respectables. The amicable settlement will help in maintaining cordial relations between the parties in future. Although, the petitioners are arraigned as an accused in the case bearing FIR No. 298 dated 15.10.2022 under Sections 307/452/506/148/149 of IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Civil Lines Batala, Police District Batala but the said FIR has been quashed on the basis of compromise by the Coordinate Bench of this Court in terms of the order dated 03.05.2023 passed in CRM-M-13289-2023.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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 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*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

9. 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.299 dated 15.10.2022 under Sections 354/341/506/34 IPC registered at Police Station Civil Lines, Batala, Police District Batala and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

13.09.2023
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(VIVEK PURI)
JUDGE

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