

2023 : PHHC : 049320

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14584-2022

Date of Decision: 11.04.2023

JASWINDER SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikas Gupta, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Vivek Singla, Advocate for

Mr. Sandeep Bokolia, Advocat for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 84 dated 29.06.2021 under Sections 452, 336, 506, 34 IPC, and Sections 25, 27 & 29, 30 (added later on) of Arms Act, registered at Police Station Sadar Patti, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 06.01.2023 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.

In compliance of the order dated 06.01.2023, learned Sub Divisional Judicial Magistrate, Patti has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“From the statement of the parties, I am satisfied that a valid and genuine compromise has been effected between the parties as per their statements recorded in the Court. The aforesaid compromise appears to be genuine one and the same has been entered into voluntarily with free will of the parties without any threat or coercion or undue influence or pressure of any kind.

As per statement of I.O., ASI Gurmej Singh No. 1120/ T.T posted at Police Station Sadar Patti, District Tarn Taran there are three person arrayed as accused in the above said FIR namely (who are petitioners No.1 to 3 before the Hon'ble Punjab & Haryana High Court). None of the accused have been declared proclaimed offender in the present case. The accused persons are not involved in any other case. There is one victim/complainant namely Hardev Singh Fauji (who is respondent No.2) before Hon'ble Punjab & Haryana High Court in the FIR. ”

Learned counsel for the petitioners contends that the FIR has been registered on the allegations that on 11.06.2021, the petitioners had committed trespass into the house of respondent No.2 and fired gunshots. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). It is a case of no injury much less firearm injury. The parties are the residents of the same village and the amicable settlement will help in maintaining cordial relations between them in future.

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

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.

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.

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*.

Accordingly, the present petition is allowed and FIR No. 84 dated 29.06.2021 under Sections 452, 336, 506, 34 IPC and Sections 25, 27 & 29, 30 (added later on) of Arms Act, registered at Police Station Sadar Patti, District Tarn Taran and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

11.04.2023

Janki

(VIVEK PURI)
JUDGE

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