

CRM-M-14186-2023
Date of Decision: 25.05.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Rajesh Goyal, Advocate
for respondents No.2 to 4.

VIVEK PURI, J.(ORAL)

- “As per the statement of Investigating Officer namely ASI Ashok Kumar, five accused namely Parveen son of Ramesh, Naveen son of Ramesh Malik, Amit son of Jiabir, Lovedeep son of Rajesh and Sumit son of Sukhbir are facing the trial and none of the accused was declared*

Proclaimed offender at any stage of the trial nor PO proceedings are pending against any of the accused. Further, the challan against the abovenamed accused has been submitted in the Court and now the case is at the stage of prosecution evidence.

Both the parties i.e. complainant Sidharth Kinra, witnesses Abhimanyu Kinra and Prempal Kinra and accused namely Parveen son of Ramesh, Naveen son of Ramesh Malik, Amit son of Jiabir, Lovdeep son of Rajesh and Sumit son of Sukhbir have appeared before the Court and they have made their respective statements in support of the compromise so effected between the parties. The compromise effected between the parties seems to be genuine, voluntarily and out of their free will. ”

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had committed trespass in the house of respondent No.2, attacked and also intimidated them. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. An amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned counsel for respondents No.2 to 4 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

7. 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.

8. 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.

9. 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*.

10. 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.88 dated 30.03.2021 under Sections 147/149/323/452/506 and 511 IPC registered at Police Station Rohtak Civil Lines, District Rohtak and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

25.05.2023
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(VIVEK PURI)
JUDGE

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