

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

CRM-M-18367-2023

Date of Decision:20.07.2023

AKSHAY KUMAR AND ORS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Grewal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Piyush Sharma, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 61 dated 06.08.2022 registered under Sections 323, 354, 34 IPC (Challan under Sections 323, 354, 201 and 34 IPC) at Police Station Sadar Abohar, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. Status report by way of affidavit of Azad Davinder Singh, PPS, Deputy Superintendent of Police (Rural), Abohar, District Fazilka filed on behalf of the respondent-State is taken on record.
3. On 17.04.2023, 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.
4. In compliance of the order dated 17.04.2023, learned Judicial Magistrate

First Class, Abohar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1)It is submitted that as per statement of IO, there are three accused persons in the present FIR and none of the accused have been declared proclaimed offender and none of proceedings have been initiated or pending against the accused persons.

II) It is further submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, voluntary and without any coercion or undue influence.

III) It is further submitted that as per statement of IO, there is no involvement of accused persons in any other FIR.

IV) It is further submitted that as per report of Ahlmad, challan in this case has already been presented and case is fixed for consideration on charge.”

5. Learned counsel for the petitioners contends that the FIR has been registered on the allegations that the petitioners had inflicted injuries on the person of respondent No.2 and also outraged her modesty. The respondent No.2 is aged about 56 years and the injuries attributed fall under Section 323 IPC. The parties are neighbors and amicable settlement will help in maintaining cordial relations between them in future.

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

8. The controversy in the instant case does not indicate that the same involves heinous or serious offenses 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. Accordingly, the present petition is allowed and FIR No. 61 dated 06.08.2022 registered under Sections 323, 354, 34 IPC (Challan under Sections 323, 354, 201 and 34 IPC) at Police Station Sadar Abohar, District Fazilka and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

(VIVEK PURI)
JUDGE

20.07.2023

P.Bhatt

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