

CRM-M-26314-2022
Date of Decision: 24.01.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Hitesh Sood, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 06.12.2022, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Kapurthala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“a) As per statement of Investigation officer there is one accused namely Sukhwinder Singh arrayed in the FIR and he has appeared through video conferencing in this Court for making his statement and as per statement of Investigation officer no accused has been declared as proclaimed offender in this case.

b) As per statement of Investigation officer there is only one aggrieved/victim in this case who is complainant Swaran Singh Bhatti and he has appeared in this Court for making his statement in support of the compromise.

c) As per statement of Investigation officer at present the above said case is under investigation stage.

d) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioner contends that the case has been registered on the allegations that the petitioner had uttered derogatory remarks against the caste of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future.

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.

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.

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***.

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.220 dated 15.10.2016 under Section 3 (1) (i) of the SC & ST (Prevention of Atrocities) Act, registered at Police Station City, Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

24.01.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No