

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27940-2021
Date of Decision: 27.04.2023

DILBAGH SINGH ALIAS BAGGA AND ANR ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Pallavi Babbar, Advocate for
Mr. Pawan Attri, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Kushager Goyal, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.073 dated 12.04.2021 under Sections 148/149/323/324/506 IPC, later on challan presented under Sections 323/324/326/506 and 34 IPC registered at Police Station Ismailabad, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise.

2. On 20.07.2021, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.

3. In compliance of the order dated 20.07.2021, the statements of the parties have been recorded and the learned Judicial Magistrate First Class, Pehowa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) It is clear from perusal of the statements of the parties that they have amicably settled the matter after arriving at a compromise and settlement. The compromise seems to be genuine and

voluntary and out of free will.

(ii) In the present case, Dilbag Singh @ Bagga and Simranjeet Singh are the accused and both have appeared before the Court.

(iii) As per the statement of I.O., accused persons have not been declared proclaimed offender at any stage of trial or investigation.”

4. It has also been mentioned in the report that petitioner No. 1 has been arraigned as an accused in the following cases:

- (i) FIR No.49/2020, u/s 18/29-61-85 NDPS Act P.S.Ismailabad.
- (ii) FIR No.55/2017, u/s 323, 353 IPC P.S.Pehowa.
- (iii) FIR No.263/2014, u/s 323, 452, 506 IPC, P.S.City Thanesar.
- (iv) FIR No.195/2020, u/s 148, 149, 323, 341, 326 IPC, P.S.Ismailabad.
- (v) FIR No. 6/2016, u/s 148, 149, 323, 452, 427, 506 IPC, P.S. Ismailabad.
- (vi) FIR No. 146/2018, u/s 323, 324, 341, 506, 34 IPC, P.S. Ismailabad.

5. Learned counsel for the petitioners contend initially the FIR was registered against petitioner No.1 and 04 other persons. However, the challan was presented only against the petitioners and 04 other persons named in the FIR were found to be innocent. Subsequently, a supplementary challan has also been presented against petitioner no.2. The dispute between the parties has been amicably settled in terms of the compromise, Annexure P-2. Petitioner No.1 and respondent No.2 are the residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future. It has been further submitted that the petitioner No.1 has been acquitted in the cases mentioned at serial Nos. (ii), (iii), (v) and (vi). Though petitioner No.1 is facing trial in two other cases but he will suffer the criminal liability in those cases in accordance with law.

6. 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.

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.073 dated 12.04.2021 under Sections 148/149/323/324/506 IPC, later on challan presented under Sections 323/324/326/506 and 34 IPC registered at Police Station Ismailabad, District Kurukshetra and all the subsequent 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.

27.04.2023

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(i) Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

(ii) Whether Reportable : Yes/No