

**263-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-26258-2023 (O&M)
Date of decision: 09.11.2023**

ANIL GUPTA AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.K.Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. A.P.S.Rana, Advocate for respondent Nos.2 to 6.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.04 dated 27.01.2021 under Sections 325/323/354/34 IPC, registered at Police Station Satnampura, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 26.05.2023, parties were directed to appear before the Trial Court/Area Magistrate and get their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

4. In compliance of the order dated 26.05.2023, learned Sub-Divisional Judicial Magistrate 1st Class, Kapurthala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“On 05.07.2023, in compliance of the above said order,

statements of complainant namely Amita Rani Bhanot and victims namely Sanjana Bhanot, Reshma Bhanot, Sukhjit Singh Bhatti @ Happy have been recorded in the Court. Statement of Victim Dhimanshu Bhanot has been recorded through video conference as per orders of Hon'ble Punjab & Haryana High Court. Statements of accused persons namely Anil Gupta, Rajni Gupta, Vishali Gupta, and Piyush Gupta have been recorded in the Court.

The statements have been got recorded by the parties voluntarily and without any pressure from any quarter and the compromise so effected is genuine, voluntary and without any coercion or threat.”

5. Learned counsel for the petitioners contend that as per the allegations, on 05.01.2021, the petitioners had inflicted injuries on the person of respondent Nos.2 to 5 and outraging the modesty of respondent No.2. It is a case of version and cross-version. The dispute has been amicably settled between the parties in terms of compromise deed dated 28.03.2023 (Annexure P-3). The parties are residing in the neighbourhood and an amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the 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

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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***, approved 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.04 dated 27.01.2021 under Sections 325/323/354/34 IPC, registered at Police Station Satnampura, District Kapurthala and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

09.11.2023

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(VIVEK PURI)
JUDGE

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