

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

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**CRM-M-29835 of 2021 (O&M)
Date of decision: 05.01.2023**

Gurmanjeet Singh and Ors.

Petitioners

Vs.

State of Punjab and Another

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. S.S. Bhinder, Advocate for the petitioners.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Arun Kumar, Advocate for respondent No.2.

DEEPAK GUPTA, J.(ORAL)

Petitioners are facing trial in case FIR No.62 dated 01.06.2021 registered at Police Station Barnala, District Barnala, under Sections 452, 323, 148, 149 and 188 IPC (and under Sections 341, 355, 323, 506, 148 and 149 IPC are also mentioned). They have filed this petition under Section 482 Cr.P.C. for quashing the said FIR and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 24.05.2022, the parties were directed to appear before the Illaqa Magistrate/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.

In compliance of the order dated 24.05.2022, learned Chief

Judicial Magistrate, Barnala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

- “1. The number of persons arrayed as accused in the FIR is thirteen, namely, Gurmanjeet Singh, Navdeep Singh, Lakhwinder Singh alias Lakha, Lakha Singh, Varinder Singh, Amritpal Singh, Gagandeep Singh, Pardeep Singh, Jaspreet Singh, Samandeep Singh, Paramvir Singh, Jaskaran Singh alias Jimmy and Harpreet Singh alias Happy (petitioners).
2. None of the accused is yet declared proclaimed offender.
3. The stage of the proceedings is investigation. The report under Section 173 Cr.P.C. is yet to be presented before the Court.
4. The compromise between the parties is genuine, voluntary and without any coercion or undue influence”.

Learned counsel for the petitioners contends that dispute has been amicably settled between the parties in terms of compromise, Annexure P-2.

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

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the 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**.

Accordingly, the present petition is allowed and FIR No.62 dated 01.06.2021 registered at Police Station Barnala, District Barnala, under Sections 452, 323, 148, 149 and 188 IPC (and under Sections 341, 355, 323, 506, 148 and 149 IPC are also mentioned) and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

January 05, 2023
Poonam Sharma

(DEEPAK GUPTA)
JUDGE

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