

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

CRM-M-28271-2023
Date of decision: 13.07.2023

SWARAN SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.D.Sharma, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. Kashmiri Lal, Advocate for
Mr. Lalit Chander Sharma, Advocate for respondent No.2.

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.195 dated 21.05.2020 under Sections 323/341/354-A IPC, 1860 registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 31.05.2023, parties were directed to appear before the Trial Court/Illaq 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 31.05.2023, learned Additional Chief Judicial Magistrate, Tarn Taran has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. As per the statement of the parties to the petition and Investigating Officer, the compromise between the parties appears to be genuine, voluntary and without any coercion or undue influence.

2. As per the statement of the Investigating Officer, there is (sic.

CRM-M- 28271-2023**-2-**

are) only two persons, namely, Swaran Singh and Charanjit Singh who are nominated as accused in the First Information Report in question.

3. As per the statement of Investigating Officer and parties to the petition, there is (sic. are) only two persons, namely, Swaran Singh and Charanjit Singh who are nominated as accused and only one victim/complainant, namely, Kulbir Kaur. All the petitioners/accused and complainant/victim have entered into compromise.

4. As per the statement of the parties to the petition and Investigating Officer, this is the fully satisfied compromise. 5. The Final report has not been presented in this case as such, the trial has not commenced yet.

6. The accused have not been arrested till date by the police, therefore, the accused are not appearing before the Court and no remand papers/challan is pending in the Court. The accused are not admitted to bail till date.

7. As per the statement of the Investigating Officer, the accused/petitioners are not involved in any other case.

8. As per the statement of complainant, there is nothing done by the accused/petitioners with the complainant as such, there was no injury suffered by the complainant. The complainant/victim is the sister-in-law of the accused/petitioners, namely, Swaran Singh and Charanjit Singh.”

5. Learned counsel for the petitioners contend that as per the allegations in the FIR, the petitioners had abused, torn the shirt and gave beatings to respondent No.2. During the course of investigation, the offence under Section 354-A IPC has been deleted. The petitioners are the brothers-in-law of respondent No.2 and residing in the same village. An amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned State counsel has also acknowledged the fact that the offence under Section 354-A IPC has been deleted vide DDR No.41 dated 23.05.2020, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

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

8. After hearing the learned counsel for the parties and going through the

CRM-M-28271-2023

-3-

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.

9. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the close relatives 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.

10. 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***.

11. 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.195 dated 21.05.2020 under Sections 323/341/354-A IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

13.07.2023

renubala

(VIVEK PURI)
JUDGE