

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29704-2023
Date of Decision: 27.07.2023

MANPREET SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rahul Bhargava, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Prikshit Thakur, Advocate
for respondents No. 2 and 3.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the G.D.No.02 dated 29.08.2021 under Sections 354, 323, 326, 341 and 506 IPC registered in FIR No.99 dated 28.08.2021 under Sections 323 and 341 IPC registered at Police Station Sultanwind, District Police Commissionerate Amritsar and all the consequential proceedings arising therefrom on the basis of compromise.

2. Reply by way of affidavit of Ashwani Kumar, Assistant Commissioner of Police, South, Amritsar on behalf of respondent No.1-State has been placed on record.

3. On 05.06.2023, the parties were directed to get their statements recorded before the learned trial Court/Area Magistrate.

4. In compliance of the order dated 05.06.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Amritsar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is further submitted that while recording the statements of both the parties, it has been ensured that in the present FIR, the

complainant/respondents Jagbir Singh and Manreet Aulakh through Jagbir Singh and accused persons/petitioners Manpreet Singh, Harpreet Singh Mahal @ Harpreet Singh @ Happy and Kuldeep Singh @ Deepu have appeared before the court. As per the statement, the compromise is genuine, voluntarily and without any pressure, being outcome of their free will. Further, as per the statements of the parties and investigating officer, there is no other accused in the present case except the petitioners. No accused has been declared proclaimed offender at any stage of trial.”

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries upon respondents No. 2 and 3. There is no MLR to indicate any injury upon respondent No.2. The injury under Section 326 IPC on the person of respondent No.2 is on the little finger and it has not resulted in any disability. It is a case of version and cross-version. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-3. An amicable settlement will help in maintaining cordial relations between the parties in future. A separate petition bearing CRM-M-29719-2023 has been instituted for quashing of FIR on the basis of compromise.

6. Learned counsel for respondents No.2 and 3 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the aforesaid GD No.02 dated 29.08.2021 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, G.D.No.02 dated 29.08.2021 under Sections 354, 323, 326, 341 and 506 IPC registered in FIR No.99 dated 28.08.2021 under Sections 323 and 341 IPC registered at Police Station Sultanwind, District Police Commissionerate Amritsar and all the consequential 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.

27.07.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No