

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29703-2023 (O&M)
Date of Decision: 05.09.2023

INDERPREET SINGH AND ANR ... PETITIONERS
VS.
STATE OF CHANDIGARH AND ORS. .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ankush Kamboj, Advocate,
for the petitioners.

Mr. Shashank Bhandari, Addl. P.P. for U.T. Chandigarh.

Mr. Aarish Kamboj, Advocate
for respondents No.2 to 4.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0264 dated 09.09.2018, under Sections 323/341/354/506/34 IPC and Section 185 of the Motor Vehicle Act, registered at Police Station Sector-19, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 03.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 03.07.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. There are two accused namely Lovepreet Singh and Inderpreet in the present FIR.

2. None of the accused has been declared proclaimed offender or any such proceedings have

been initiated or pending against them.

3. As per the statements of complainant Sushant Rathi, Victim/witness Preeti Mann, witness Rahul Mann and accused Inderpreet Singh, the compromise has been effected between the parties is genuine voluntarily and without any coercion or undue influence.

4. Accused Inderpreet Singh is not involved in any other case. However, accused Lovepreet Singh did not come present for getting record his statement.

5. As per the statement of IO Gurdeep Singh There is only one complainant Sushant Singh Rathi and two victims namely Preeti wife of Sushant and Rahul son of Bijender singh in the present FIR."

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that some unknown persons have inflicted injuries and assaulted respondents No.2 to 4. The petitioners have been nominated during the course of investigation and the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioners are the students and an amicable settlement will help in maintaining cordial relations between the parties in future.

5. 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.

6. 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.

7. 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.

8. 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*.

9. 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.0264 dated 09.09.2018, under Sections 323/341/354/506/34 IPC and Section 185 of the Motor Vehicle Act, registered at Police Station Sector-19, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

05.09.2023
smriti

(VIVEK PURI)
JUDGE

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