

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-34901-2022
Date of Decision: 22.08.2023

LOVELY KUMAR AND ORS.

...Petitioner

V/S

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Puri, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG Punjab.

Mr. Sanjeev Kumar, Advocate for
Ms. Deepti Rampal, Advocate
for respondents No. 2 and 3.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 31 dated 11.04.2022 registered under Sections 354, 341, 354-D and 323 of Indian Penal Code at Police Station Taragarh, Tehsil and District Pathankot on the basis of compromise.
2. Vide order dated 08.08.2022, passed by this Court, the parties were directed to appear before the 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.
3. In compliance of the aforesaid order, report has been received from the court of Judicial Magistrate Ist Class, Pathankot and relevant portion of the same is reproduced below:

"7. The report be send with regard to the facts are as under:-

(1) As per the statement of ASI Rajesh Kumar no.

1313/Ptk posted as ASI at PS Taragarh, Pathankot (Investigating Officer) no accused person involved in this FIR is declared proclaimed offender.

(2) As per the statement of ASI Rajesh Kumar no. 1313/Ptk posted as ASI at PS Taragarh, Pathankot (Investigating Officer) one criminal case FIR 58 dated 28.12.2015 registered at PS Taragarh against the accused namely Balwinder Kumar @ Mona was lodged, but the said matter was already quashed in the Hon'ble Punjab and Haryana High Court. Three criminal case against the accused Lovely Kumar was registered out of which in one case FIR no. 68 dated 09.11.2014 u/s 324, 323, 148, 149 IPC the accused was convicted and in another case FIR no. 50 dated 09.10.2015 under Section 379 IPC registered at PS Taragarh against the accused namely Lovely Kumar was acquitted. Further in one criminal case FIR no. 58 dated 28.12.2015 registered at PS Taragarh against the accused namely Lovely Kumar was lodged, but the said matter was already quashed in the Hon'ble Punjab and Haryana High Court.

8. From the statements of parties, it appears that the complainant, injured person and above named accused persons have entered into compromise with each other voluntarily and without any pressure or coercion.”

4. Learned counsel for the petitioners contend that as per the allegations in the FIR, on 11.04.2022, the respondents No. 2 and 3, who are cousins, were proceeding towards Kathlour Century, when the petitioners along with another person inflicted injuries on the person of respondent No. 3 and out-raged the modesty of respondent No. 2. It has been submitted that with the intervention of the respectables, an amicable

in maintaining cordial relations between the parties in future. Although the petitioner No. 1 has been convicted in a case under Sections 324, 323, 148 and 149 of IPC, but it has no concern with the present case and the said case was registered as back as on 09.11.2014. The petitioner No. 1 was arraigned as accused in two other cases, however, in one of the cases, he has been acquitted and in the other case, FIR has been quashed by this Court.

5. Learned counsel for respondents No. 2 and 3 has not disputed the aforesaid factual aspects and has 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. Accordingly the present petition is allowed and FIR No. 31 dated 11.04.2022 registered under Sections 354, 341, 354-D and 323 of Indian Penal Code at Police Station Taragarh, Tehsil and District Pathankot and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

22.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>