

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

**CRM-M-37377-2022(O&M)
Date of decision: 24.11.2023**

GURMEET KLER @ BUDHU AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Om Malhan, 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.81 dated 25.05.2015 under Sections 323/341/506/34 IPC, registered at Police Station Maqsudan, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 01.12.2022, 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 01.12.2022, learned Judicial Magistrate 1st Class, Jalandhar 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 complainant/respondent, accused/ petitioners and Investigating Officer, the

compromise Ex.CW1/A effected between the parties is genuine, with free will of the parties, without any pressure, coercion, undue influence and inducement from any quarter and the same is not result of fraud and misrepresentation. However, the signatures of accused Kashmiri Lal alias Bholu were omitted to be mentioned in the compromise Ex.CW1/A as per statements of complainant, accused persons and the Investigating Officer.

2) As per statement of complainant/respondent, accused/petitioners and Investigating officer, there is no other accused person involved in the present case except the accused persons namely Kashmiri Lal alias Bholu, Gurmeet Kaler alias Budhu and Sanjeev Kumar and there is only one complainant/aggrieved person namely Shadi Ram in the present case. As per the statement of Investigating Officer, accused Sanjeev Kumar is also involved in another case FIR No. 23 dated 09.11.2011 under Section 379 IPC and under Section 32/33 of Indian Forest Act 1927 at PS Kotwali, District Kapurthala except the present case.

3) As per statements of accused/petitioners and Investigating Officer, accused person namely Kashmiri Lal alias Bholu, Gurmeet Kaler alias Budhu and Sanjeev Kumar have not been declared proclaimed person/proclaimed offenders in any case."

5. As per the report, petitioner No.2 is also involved in another case bearing FIR No.23 dated 09.11.2011, under Sections 379 IPC read with Sections 32 and 33 of Indian Forest Act, 1927 registered at Police Station Kotwali, District Kapurthala.

6. Learned counsel for the petitioners contend that as per the allegations, on 23.05.2015, the petitioners had inflicted injuries on the person of respondent No.2 and criminally intimidated him. It has been submitted that the dispute has been amicably settled between the parties in terms of compromise dated 16.04.2022 (Annexure P-2). Besides, FIR No.80 dated 25.05.2015, under

CRM-M-37377-2022(O&M)

-3-

Sections 323/341/354/427/148 IPC, at Police Station Maqsudan, District Jalandhar has been registered at the instance of Vijay Kumari wherein petitioner No.1 is also a victim. The said FIR has also arisen out of same occurrence. An amicable settlement has also been effected in the said case. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future. The other case bearing FIR No.23 of 09.11.2011 was registered as back as in the year 2011 and has no concern or semblance with instant dispute.

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

8. After hearing the 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.

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 co-villagers 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,***

approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others*

CRM-M- 37377-2022(O&M)

-4-

(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.81 dated 25.05.2015 under Sections 323/341/506/34 IPC, registered at Police Station Maqsudan, District Jalandhar 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.

24.11.2023

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(VIVEK PURI)
JUDGE

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