

2023 : PHHC : 049357

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40840-2021 (O&M)
Date of Decision: 11.04.2023

MUKESH SHARMA AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Ohri, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Sachin Gupta, Advocate for respondent No. 2.
* * *

VIVEK PURI, J. (ORAL)

CRM-12336-2022

This is an application for correction of the head note and the prayer clause.

It has been submitted that during the course of investigation, the offence under Sections 148, 149 IPC has been deleted and offence under Section 341 IPC has been added. Accordingly, necessary correction has been sought.

Amended head note and prayer clause be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 54 dated 06.03.2020 registered under Sections 324, 323, 34 of the Indian Penal Code, at Police Station Dinanagar, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 21.12.2021 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.

In compliance of the order dated 21.12.2021, learned Judicial Magistrate First Class, Gurdaspur has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“As per statements of parties and Investigating Officer, three accused persons namely Mukesh Sharma, Chetan Sharma and Rahul Sharma @ Rohit Sharma were arrayed as accused in FIR, but the challan was presented against only two accused persons namely Mukesh Sharma and Chetan Sharma under Section 324, 323, 34 of Indian Penal Code, P.S. Dinanagar and accused Rahul Sharma @ Rohit Sharma, was declared innocent during investigation.

(II) As per statements of parties and Investigating Officer, no accused is proclaimed offender and no proclaimed offender proceedings are pending against anyone.

(III) The compromise is genuine, voluntarily any without any coercion and undue influence.

(IV) Except the present case/FIR, accused Mukesh Sharma and Chetan Sharma are not involved in any other case.

(V) Statements of all concerned have been recorded. First Information Report No. 54 dated 06.03.2020 under Sections 324, 323, 148 and 149 of Indian Penal Code, P.S. Dinanagar, District Gurdaspur was registered on the statement of complainant Rajan Gupta @ Honey against accused persons namely Mukesh Sharma, Chetan Sharma and Rahul Sharma @ Rohit Sharma son of Shashi Kumar Sharma, but the challan was presented against only two accused persons namely Mukesh Sharma and Chetan Sharma under Section 324, 323, 34 of Indian Penal Code, P.S. Dinanagar.

(VI) The present case is fixed for prosecution evidence. ”

allegations were levelled against the petitioners and Rohit Sharma but the challan has been presented only against the petitioners. The injuries are simple in nature and even not resulted in any disability much less permanent disability. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The parties are residents of the same town and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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 (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

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.

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***.

Accordingly, the present petition is allowed and FIR No. 54 dated 06.03.2020 registered under Sections 324, 323, 34 of the Indian Penal Code, at Police Station Dinanagar, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

11.04.2023

Janki

**(VIVEK PURI)
JUDGE**

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