

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

**CRM-M-33720-2019
Date of Decision: 06.02.2023**

**ANIL AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sansar Kundu, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Vikas Bishnoi, Advocate for
Mr. Abhishek Sindhwani, Advocate for respondent No. 2 .
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.208 dated 05.12.2017 under Sections 324, 323, 34, 341 IPC, registered at Police Station Alewa, District Jind and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 21.08.2019 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 21.08.2019, learned Judicial Magistrate First Class, Jind has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“I have the honor to submit that in pursuance of the directions, today the complainant and the accused person appeared along with counsel of accused; Shri Pawan Dhillon Advocate before the undersigned. Statements of the complainant

Shamsher son of Inder Singh; of accused Anil son of Wazir, Harpal son of Raj Karan and Satbir son of Shabhu duly identified by their counsel were recorded separately. The complainant was examined as CWI and has stated on oath before this court that he has made compromise with the accused and copy of such compromise is placed on file i.e Annexure-1. The complainant also stated that he does not want to proceed further with this case. The accused has also made statement on oath that they have compromised with the complainant.

From the perusal of their statements, this court is of the opinion that the compromise effected between them is without any pressure, threat, coercion and undue influence. The compromise is therefore genuine.

It is submitted that all the accused appearing before the court are on bail. ”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties. The injuries allegedly inflicted by the petitioners on the person of respondent No.2 are simple in nature. Though, petitioner No.2 is convicted in a case bearing FIR No. 84 of 2006 under Sections 342/302/34 IPC, registered at Police Station Alewa District Jind but the case was registered as back as in the year 2006. The petitioners and respondent No.2 are the residents of the same village and the 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 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.

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. 208 dated 05.12.2017 under Sections 324, 323, 34, 341 IPC, registered at Police Station Alewa, District Jind and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.02.2023

Janki

(VIVEK PURI)
JUDGE

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