

2023:PHHC:043512
CRM-12857-2023 in/and
CRM-M-33604-2019

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-12857-2023 in/and
CRM-M-33604-2019
Date of Decision: 22.03.2023

AMANDEEP SINGH @ MANI MOUR AND OTHERS
... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. R.S.Dadwal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for respondent No. 2.

VIVEK PURI, J.(ORAL)

CRM-12857-2023

This is an application for placing on record Annexures P-4 to
P-6.

For the reasons stated in the application, the same is allowed.
Annexures P-4 to P-6 are taken on record, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

Application is disposed of.

CRM-M-33604-2019

The petitioners are seeking to quash the FIR No.208 dated
27.11.2017 under Sections 452, 323, 427, 506, 148 and 149 IPC registered
at Police Station Sadar Raikot, District Ludhiana Rural and all the
subsequent proceedings arising therefrom on the basis of compromise.

On 06.09.2019, the parties were directed to get their statements

recorded before the learned trial Court.

In compliance of the order dated 06.09.2019, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagraon has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance of the same, separate statement of respondent/complainant Narvir Singh was recorded. As per his statement, he has compromised the matter with petitioners/accused with his free Will and without any pressure and also stated that he has no objection if FIR registered against petitioners be quashed. He has placed on record self attested photocopy of his Aadhar card Ex.A6. Statement of petitioners/accused also recorded regarding compromise and they have also placed on record self attested photocopies of their Aadhar Cards Ex.A1 and Ex.A5 and also stated that none of them is proclaimed offender in this case. As per statements of parties, the compromise appears to be voluntary and genuine. Further, the undersigned was asked whether any criminal proceedings are pending against either of the parties or not. In this regard, statement of concerned Naib Court was called and as per his statement no criminal case is pending against either of the parties. ”

Learned counsel for the petitioners contend that as per the allegations, on 25.11.2017 at about 8:30 P.M., the petitioners had committed trespass in the house of the complainant and inflicted injuries. It has been submitted that the dispute has been amicably settled between the

parties in terms of the compromise, Annexure P-2. The injuries are simple in nature. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future. Though, the petitioner No.4 was involved in two other criminal cases but in one of the cases bearing FIR No.109 dated 07.06.2010 under Sections 323, 325, 341 read with Section 34 IPC registered at Police Station Raikot, the petitioner has been released on probation of good conduct by Juvenile Justice Board. Furthermore, in another case bearing FIR No. 148 dated 20.07.2010 under Sections 341, 323, 356, 506 read with Section 34 IPC registered at Police Station Raikot, District Ludhiana, the FIR has been cancelled and the cancellation report has been accepted by the learned Judicial Magistrate 1st Class, Jagraon in terms of the order dated 20.12.2019.

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.

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.

Status report indicates that petitioner No.4 is involved in two other cases i.e. FIR No. 109 dated 07.06.2010 under Sections 323, 325, 341/148 and 149 IPC registered at Police Station Raikot and FIR No. 148

dated 20.07.2010 under Sections 341, 323, 356, 506 read with Section 34 IPC registered at Police Station Raikot. It has been pointed out that in one of the cases, the FIR has been cancelled and in the other case, he has been released on probation of good conduct.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the neighbourers 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*.

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.208 dated 27.11.2017 under Sections 452, 323, 427, 506, 148 and 149 IPC registered at Police Station Sadar Raikot, District Ludhiana Rural and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

22.03.2023
smriti

(VIVEK PURI)
JUDGE

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