

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43254-2020
Date of Decision: 28.03.2023

IQBAL SINGH @ BALLI AND ORS ... PETITIONERS
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gurpreet Singh Aulakh, Advocate for
 Mr. Balraj Singh Sidhu, Advocate
 for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Jagjit Gill, Advocate
for respondents No. 2 to 6.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No. 239 dated 07.10.2019 under Sections 147/148/149/323/452/506 IPC registered at Police Station Sadar Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.12.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 22.12.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sirsa has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Besides recording the statements of the parties, the Court has also duly enquired about the compromise between two sides independently from the complainant and accused as well as their counsels. Both the counsels representing the parties have also stated that the matter has been compromised between the parties and there is no

ill will between the two sides. So, after perusal of statements of the parties and after enquiring from the parties independently as well as their counsels, the Court is of the opinion that the compromise arrived between the parties is genuine and voluntarily made without any undue influence, coercion threat or pressure.

No other person except above-mentioned is nominated as accused in present case. No accused is in custody and no accused is declared proclaimed offender. Only FIR is registered in present case.”

Learned counsel for the petitioners contend that as per the allegations, on 04.10.2019, the petitioners had inflicted injuries on the person of respondents No.2 to 6. It has been submitted that the dispute has been amicably settled between the parties in terms of the compromise, Annexure P-3. It has been submitted that the injuries are simple in nature and have not resulted any disability much less any permanent disability. Another FIR No.240 dated 07.10.2019 under Sections 147/148/149/323/324/506 IPC (Section 326 IPC added later on) has been registered against respondents No. 2 to 5 and others at the instance of petitioner No.1. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondents No.2 to 6 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

Learned State counsel has submitted that during the course of investigation, the offence under Section 324 IPC has also been added.

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.

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*.

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. 239 dated 07.10.2019 under Sections 147/148/149/323/452/506 IPC registered at Police Station Sadar Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only. This order shall also construed to have been passed with regard to Section 324 IPC.

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

28.03.2023
smriti

(VIVEK PURI)
JUDGE

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