

CRM-M-43791-2022

Date of decision: 19.01.2023

DALIP KUMAR @ DALIP SINGH AND ORS. ...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sartaj Singh Thakur, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Ajay Kumar Chaudhary, Advocate for respondent Nos.2 and 3.

VIVEK PURI, J. (ORAL)

Petitioners have has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.106 dated 08.08.2020 under Sections 323/324/325/452/506/148/149 IPC, registered at Police Station Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the basis of the statement of respondent No.2 alleging that on 31.07.2020 at about 09:15 PM, the petitioners had committed trespass into his house and inflicted injuries on the person of respondent Nos.2 and 3.

On 22.09.2022, 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.

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.

In compliance of the order dated 22.09.2022, learned Judicial Magistrate 1st Class, Mukerian has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ 1. It is respectfully submitted that the separate statement of the Investigating Officer was recorded in which he stated that he is the investigating officer of the present case. An FIR No.106 dated 08.08.2020, under Sections 323/324/325/452/506/148/149 of IPC was registered at PS Mukerian, District Hoshiarpur, on the complaint of Aminderjit Singh son of Sukhwant Singh, R/o Village Dharampur, Tehsli Mukerian, District Hoshiarpur against accused persons namely Ranjit Singh alias Rinku son of Kirpal Singh, Ranbir Singh son of Kirpal Singh, Dalip Kumar son of Karam Chand, Davinder Singh son of Kehar Singh, Ranbir Singh alias Bantu son of Amar Singh and Sushil Kumar son of Babu Ram, all residents of Village Dharampur, Police Station Mukerian, District Hoshiarpur. Therefore, in view of the statement of the Investigating Officer, accused persons arraigned in the FIR No.106 dated 08.08.2020, under Sections 323/324/325/452/506/148/149 of IPC registered at PS Mukerian, District Hoshiarpur, are (1) Ranjit Singh alias Rinku son of Kirpal Singh, (2) Ranbir Singh son of Kirpal Singh, (3) Dalip Kumar son of Karam Chand, (4) Davinder Singh son of Kehar Singh, (5) Ranbir Singh alias Bantu son of Amar Singh and (6) Sushil Kumar son of Babu Ram, all residents of Village Dharampur, Police Station Mukerian, District Hoshiarpur. It is further respectfully submitted that all the above said six accused persons have appeared and made separate statements in support of the compromise and there is no other person who is involved in the occurrence, and not a party to the present petition and whose consent for the compromise would be required. It is further submitted that no accused has been declared as proclaimed offender in the present case.

2. It is respectfully submitted that as per the statements of parties and Investigating Officer, Aminderjit Singh son of Sukhwant Singh is the complainant in the present FIR No.106 dated 08.08.2020, under Sections 323/324/325/452/ 506/148/149 of IPC registered at PS Mukerian, District Hoshiarpur and Jagjit Singh son of Ranjit Singh is the injured in the occurrence mentioned in this FIR. It is further respectfully submitted that both of them have appeared and made separate statements in support of the compromise. It is submitted that in petition pending before the Hon'ble Punjab & Haryana High Court, the father's name of Jagjit Singh is mentioned as

Sukhwant Singh whereas the Aadhar Card furnished by Jagjit Singh shows his father's name as Ranjit Singh. It is further humbly submitted that in police report under Section 173 Cr.P.C also, the father's name of Jagjit Singh is mentioned as Ranjit Singh and not Sukhwant Singh.

3. It is respectfully submitted that Challan has been presented in the present case and the case is fixed for prosecution evidence.

4. It is respectfully submitted that in view of the statements got recorded by both the parties and the Investigating Officer, this court is satisfied that the compromise effected between them seems to be genuine one, which is not the result of any pressure, coercion or undue influence."

Learned counsel for the petitioners contend that due to typographical error, the father's name of respondent No.3 has been mentioned as Sukhwant Singh instead of Ranjit Singh. Even, the report submitted by the learned trial Court indicates that the name of the father of respondent No.3 is Ranjit Singh and the same name has been mentioned in the FIR.

On the oral request of the learned counsel for the petitioners, the name of the father of respondent No.3 is corrected as Ranjit Singh and in the memo of parties, the particulars of respondent No.3 be read as Jagjit Singh son of Ranjit Singh. Registry to do the needful.

It has been further submitted by learned counsel for the petitioners that the dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The injuries attributed fall under Sections 323, 324 and 325 IPC. The injured have not suffered any disability much less permanent disability. The parties are the residents of same village and an amicable settlement will help in maintaining the cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged the fact of compromise and states that he has no objection if FIR is quashed.

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 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***.

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.106 dated 08.08.2020 under Sections 323/324/325/452/506/148/149 IPC, registered at Police Station Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

19.01.2023

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(VIVEK PURI)
JUDGE