

CRM-M-42851-2023
Date of decision: 15.12.2023

...PETITIONERS

...RESPONDENT

4. In compliance of the order dated 12.10.2023, learned Judicial Magistrate 1st Class-cum-Civil Judge, (Junior Division), Batala has recorded the statements of the parties and submitted the report, the relevant para whereof reads

Renu Bala as under:
2023.12.16 14:27
I attest to the accuracy and
integrity of this document

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“1. As per statement of ASI Satpal Singh, belt No. 3085/BTL, presently posted at Police Station Ghoman, in the present FIR, eight persons have been arraigned as accused.

2. No accused is proclaimed offender.

3. As per statements of the parties, compromise has been effected between the parties. Compromise appears to be genuine, voluntary, without any coercion or undue influence and same is the result of free will of parties.

4. As per statement of ASI Satpal Singh, accused/petitioners are not involved in any other case.

5. The statement of Investigating Officer ASI Satpal Singh, Belt No. 3085/BTL, presently posted at Police Station Ghoman has been recorded and he has stated that there is one complainant in the present FIR namely Vido wife of Sucha Singh and one victim namely Sharanjit Kaur wife of Harpinder Singh, both residents of village Bhattiwal, Tehsil Batala and District Gurdaspur.”

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had committed trespass in the house of respondent No.2, inflicted injuries upon respondent Nos. 2 and 3 and also outraged the modesty of respondent No.2. It has been submitted that the injuries attributed to the petitioners are simple in nature and have not resulted in any disability. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are residents of same village and amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent Nos.2 & 3 states that he has no objection if FIR is quashed.

7. After hearing the 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

and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. 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.

9. For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

10. 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.85 dated 21.06.2023 under Sections 452/323/354/148/149/120-B IPC, registered at Police Station Ghuman, Police District Batala and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

15.12.2023

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(VIVEK PURI)
JUDGE

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