

CRM-M-45115-2022

Date of decision: 16.01.2023

HARPAL SINGH @ GULLU AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Gurjinder Singh, Advocate for respondent No.2.

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.53 dated 14.05.2020 under Sections324/148/149 IPC (Section 326 IPC added later on), registered at Police District Batala, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.09.2022, 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 28.09.2022, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In compliance to the aforesaid order dated 28.09.2022 of Hon’ble Punjab and Haryana High Court, it is

respectfully submitted that the pointwise report of undersigned is as follows:-

- i. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.*
- ii. It is submitted that as per statement of investigating officer the present FIR has been registered against six persons namely Harpal Singh @ Gullu, Balwinder Singh, Harjit Singh, Gurpreet Singh, Sandeep Singh and Amritpal Singh, all residents of village Jauraian Kalan, P.S. Dera Baba Nanak, Tehsil Batala, District Gurdaspur i.e. petitioners no.1 to 6 and apart from the above named accused, there is no other accused persons who have been arrayed in the present FIR and there is no other injured/aggrieved person apart from the above mentioned complainant. None of the accused has been declared proclaimed person in the present FIR. No any other FIR or complaint is pending against above named accused persons at P.S. Dera Baba Nanak.*
- iii. It is further submitted that as per statement of accused persons/petitioners no any other FIR or proceedings are pending against them.”*

Learned counsel for the petitioners contend that FIR has been registered on the allegations that the petitioners had inflicted injuries on the person of respondent No.2. The injury under Section 326 IPC is on the ring finger of the left hand. The dispute has been amicably settled between the parties in terms of compromise dated 12.09.2022 (Annexure P-2). The parties are the residents of same village and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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 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.53 dated 14.05.2020 under Sections 324/148/149 IPC (Section 326 IPC added later on), registered at Police District Batala, District Gurdaspur 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.

16.01.2023

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(VIVEK PURI)
JUDGE

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