

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-48258-2022
Date of Decision: 10.08.2023

SHARANJIT SINGH AND ORS.

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Aayushi Jindal, Advocate
for Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG Punjab.

Mr. Narinder Sharma, Advocate
for Mr. Prateek Sodhi, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 149, dated 19.07.2017 registered under Sections 323, 341, 354, 506 and 34 of Indian Penal Code at Police Station Jandiala, Amritsar Rural and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 29.11.2022, passed by this Court, the parties were directed to appear before the trial Court 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 of the compromise.

3. In compliance of the aforesaid order, report has been received

from the court of Ld. Judicial Magistrate Ist Class, Amritsar and relevant portion of the same is reproduced below:

“1. The compromise is genuine and correct and it is not the result of any fraud or misrepresentation and has been entered into between the parties by free will.

2. Except the petitioners there is no other accused in the FIR.

3. The parties are not involved in any other criminal case and none of the parties has been declared a proclaimed offender in any other criminal case.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had wrongfully confined the respondent No. 2, inappropriately held and manhandled her. It has been further submitted that at the earlier instance another FIR No. 23 dated 05.12.2017 under Sections 363, 366-A, 457, 380 and 120-B of IPC was registered at Police Station Jandiala District Amritsar against some of the petitioners wherein they have been acquitted. The said FIR was lodged on the allegations that the accused therein had kidnapped the daughter of respondent No. 2. The private dispute in the instant FIR has been amicably settled between the parties in terms of compromise (Annexure P-2). Petitioners No. 1 to 3 and respondent No. 2 are residents of same locality and an amicable settlement will help in maintaining cordial relations between them.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. 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.

7. 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.

8. 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***.

9. Accordingly the present petition is allowed and FIR No. 149, dated 19.07.2017 registered under Sections 323, 341, 354, 506 and 34 of Indian Penal Code at Police Station Jandiala, Amritsar Rural and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No