

**262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48586-2022

Date of decision: 11.09.2023

KULWINDER KAUR @ SIMRAN AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bikramjit Singh Randhawa, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Inderpal Singh, Advocate for

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

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.139 dated 12.07.2020 under Sections 341/323/294/506/34 IPC, 1860 (Sections 324/201 IPC added later on) registered at Police Station Nangal, District Rupnagar and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 12.12.2022, parties were directed to appear before the Area Magistrate/Trial Court and get their statements recorded with regard to the compromise arrived at between them.

3. 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.

4. In compliance of the order dated 12.12.2022, learned Judicial Magistrate 1st Class, Nangal, District Rupnagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

341,323,294,506 and 34 of IPC and Sections 324 and 201 IPC added later on, PS Nangal, Distt. Rupnagar got registered on the statement of complainant Jaswinder Kaur. Therefore, two of the accused namely Kamla Devi and Kulwinder Kaur are arrayed as accused in present case as per statement of ASI Gurnaib Singh, Investigating Officer as well as Challan report under Section 173 Cr.P.C.

2. that as per statement of ASI Gurnaib Singh and Challan report under Section 173 Cr.P.C, there is only one complainant/injured Jaswinder Kaur who has appeared and recorded her statement.

3. that Challan report under Section 173 Cr.P.C has been presented in Court. Charge-sheet have been served upon accused and the case is pending for prosecution evidence.

4. that on examination of statements of both, complainant as well as accused party, the compromise effected between them appears to be bonafide, voluntary with free will of the parties, genuine, lawful and without any kind of pressure undue influence, coercion and fear from any side.

5. that as per the statement of ASI Gurnaib Singh Belt No.203/R.P.P. Naya Nangal Distt. Rupnagar and statements of accused party as well, there is no other case or proceedings pending against either of the accused. Further, they have not been declared proclaimed offender.”

5. Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries upon the person of respondent No.2 and also done obscene act. The injuries attributed to the petitioners fall under Section 323 IPC. The dispute has been amicably settled between the parties in terms of compromise dated 15.10.2022 (Annexure P-2). The petitioners and respondent No.2 are the residents of same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

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

7. After hearing the learned counsel for the parties and going through the

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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.

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.139 dated 12.07.2020 under Sections 341/323/294/506/34 IPC, 1860 (Sections 324/201 IPC added later on) registered at Police Station Nangal, District Rupnagar 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.

11.09.2023

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(VIVEK PURI)
JUDGE

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