

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

**CRM-M-51065-2022
Date of Decision: 13.04.2023**

ARSHDEEP SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Janeet Nehra, Advocate for
Mr. Jainik Jain, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Saurabh Singla, Advocate for
Mr. Ravinder Singh, Advocate for respondent no.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0094 dated 01.06.2020 under Sections 355, 341, 323, 506 and 34 of IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 03.10.2022 (Annexure P-2).

In compliance of the order dated 23.11.2022, learned Judicial Magistrate Ist Class, Gidderbaha has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. Only three persons are arrayed as accused in the present FIR, who are petitioners in the petition filed before

Hon'ble High Court and except them, there is no other accused.

2. *As per the statement of Investigating Officer, none of the accused has been declared proclaimed offender.*

3. *In the given circumstances, I am satisfied that compromise has been effected between complainant Ikbal Singh and accused persons namely Arshdeep Singh, Jagmeet Singh and Sukhjeet Singh amicably, with their free consent, without any pressure and the same appears to be genuine, voluntary and without any pressure, threat, coercion or undue influence and they got their statements recorded before the Court voluntarily.*

4. ***One FIR no. 22 dated 15.03.2017 registered under Section 451, 323, 148, 149 of IPC registered at PS Kotbhai is pending trial against accused Jagmeet Singh and Sukhjeet Singh. No other FIR is pending against accused Arshdeep Singh.***

5. *As per statement of Investigating Officer, complainant Ikbal Singh, who is respondent no. 2 in the petition before Hon'ble High Court, is the only victim/complainant in the present FIR. ”*

Learned counsel for the petitioners contends that as per the allegations the petitioners had inflicted injuries on the person of respondent no.2. Dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The injuries attributed fall under Section 323 of IPC. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between the parties in future and furthermore, in pursuing the petitioners in further avocation.

Learned counsel appearing for respondent No. 2 has acknowledged the factum of compromise.

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 (Annexure P-2). The compromise is without any pressure and is 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. 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***.

Accordingly, the present petition is allowed and FIR No. 0094 dated 01.06.2020 under Sections 355, 341, 323, 506 and 34 of IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

13.04.2023

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(VIVEK PURI)
JUDGE

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