

KULBIR SINGH AND ORS. ...PETITIONER

STATE OF PUNJAB AND ORS. ...RESPONDENTS

VERSUS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. N.S.Dhaliwal, Advocate
for the petitioners in CRM-M-22683-2023.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. In CRM-M-52816-2022, the petitioners are seeking to quash the FIR No.111 dated 02.08.2022, under Sections 323/325 IPC and Section 3 of SC and ST Act, 1989, registered at Police Station Kot Ise Khna, District Moga on the basis of compromise.

2. In CRM-M-22683-2023, the petitioners are seeking to quash the complaint COMI No.52 dated 12.06.2019, under Sections 452/379-B/324/323/354-B/506/34 IPC, titled as 'Kulbir Singh Versus Aniljit and others' as well as summoning order dated 18.04.2022 (Annexure P-2) in view of the

compromise.

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3. In terms of order dated 16.01.2022 and 08.05.2023 in CRM-M-52816-2022 and CRM-M-22683-2023 respectively, the parties were directed to appear before the trial court and get the statements recorded with regard to the compromise arrived at between them.

4. A consolidated report has been submitted in both the cases.

5. After recording the statements of the parties in both cases, it has been reported that the compromise entered into by the parties is genuine, voluntarily and without any coercion or undue influence. With regard to the case registered on the basis of FIR No. 111 dated 02.08.2022, the statement of the Investigating Officer has also been recorded who has stated that none of the accused has been declared as proclaimed offender and challan has not yet been presented. The petitioners in CRM-M-52816-2022 have been nominated as accused in this case.

6. Learned counsel for the petitioners in CRM-M-52816-2022 submit that as per the allegations, the petitioners had inflicted injuries on the person of respondent No.2 and injuries have not resulted in any disability. Moreover, it is a case of version and cross-version. The complaint has also been instituted by petitioner No.1 against the respondents and others and the dispute has been amicably settled therein also in terms of compromise dated 15.09.2022 (Annexure P-4). The parties are residents of the same locality and an amicable settlement will help in maintaining cordial relations between the parties in future. He has also acknowledged the fact of amicable settlement and the connected matter bearing CRM-M-22683-2023 and has submitted that he has no objection if the complaint and the summoning order are quashed on the basis of compromise.

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7. Learned counsel for the petitioners in CRM-M-22683-2023 contend that the complaint has been instituted on the allegations that the petitioners along with one of the co-accused, namely, Raghavdeep Singh Kamboj (since deceased) had inflicted injuries and outraged the modesty of respondent No 3. The petitioners have been summoned for having committed the offence under Sections 452/354/324/323/506 read with Section 34 IPC by the learned trial Court. The alleged injuries are simple in nature. An FIR No.111 dated 02.08.2022 has also been registered against the petitioners and others on the basis of the statement of respondent No.1 on the basis of in pursuance of the amicable settlement effected in terms of Panchayat compromise dated 08.09.2022 (Annexure P-3). The said FIR has also been sought to be quashed. It has also been submitted that he has no objection if the FIR No.111 dated 02.08.2022 is also quashed on the basis of compromise in view of the amicable settlement between the parties

8. 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. It is a case of version and cross-version and compromise has been effected in both the cases.

9. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has

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where the court should exercise the power to secure the ends of justice.

10. 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***.

11. 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.111 dated 02.08.2022, under Sections 323/325 IPC and Section 3 of SC and ST Act, 1989, registered at Police Station Kot Ise Khna, District Moga and complaint COMI No.52 dated 12.06.2019, under Sections 452/379-B/324/323/354-B/506/34 IPC, titled as 'Kulbir Singh Versus Aniljit and others' as well as summoning order dated 18.04.2022 (Annexure P-2) in CRM-M-22683-2023, are ordered to be quashed, however, qua the petitioners only in both the cases.

12. Resultantly, with the above-said observations made, both the petitions stand allowed.

14.09.2023

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**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No