

CRM-M-53654-2022
Date of Decision: 01.03.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Raman Kumar, Advocate
for respondents No. 2 and 3.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 18.11.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Dasuya has sent the report and the relevant portion whereof is reproduced here-in-below:-

(iii) *The factum of compromise is not disputed. This Court is satisfied that the compromise is genuine, effected amicably and voluntarily and*

without any coercion or undue influence.

(iv) As per the statement of the Investigating officer the accused persons are not involved in any other case at PS Dasuya.

(v) As per the statement of the Investigating Officer, the complainant Balwinder Singh and his wife Harjinder Kaur are the victims in this case.

COMPLAINT CASE PENDING BETWEEN THE PARTIES.

I have also the Honour to submit that one cross complaint titled as "Baldev Singh versus Balwinder Singh" Under sections 323, 324, 326, 34 of the IPC is also pending in the Court of the undersigned and in the said complaint case, accused Balwinder Singh and Harjinder Kaur has been summoned to face the trial under sections 323, 324, 326 read with section 34 of the IPC”.

Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries on the persons of respondents No. 2 and 3. It is a case of version and cross-version. Although, the cross version of the petitioners has been cancelled by the Investigating Agency, but petitioner No.2 has also instituted a complaint against respondents No. 2 and 3 and they have been summoned to face trial for having committed the offence under Sections 323, 324 and 326 IPC read with Section 34 IPC. An amicable settlement has also been effected in the complaint case and that has also been sought to be quashed. The petitioners are aged about more than 70 years. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-3. The parties are the residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondents No.2 and 3 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR

is quashed.

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.

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.

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.0251 dated 11.12.2021 under Sections 323, 325, 452 and 34 IPC registered at Police Station Dasuya, District Hoshiarpur is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

01.03.2023.
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No