

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47880-2019 (O&M)

Date of Decision: 26.05.2023

DEEPAK AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Upasna Gandhi, Advocate for
Mr. Arpan Sabharwal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Sumit Kalyan, Advocate for
Mr. Bhanu Pratap Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 127 dated 02.08.2016, under Sections 379, 323, 324, 506, 34 IPC, registered at Police Station Sadar Jalandhar, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 08.11.2019 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 order dated 08.11.2019, learned Addl. Chief Judicial Magistrate, Jalandhar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

namely; Kamlesh wife of Lachman Dass appeared and made statement that she has arrived at compromise with petitioners/accused Deepak & Seema voluntarily and without any pressure from any side. She has no objection, if above-said FIR No. 127 dated 02.08.2016 is quashed by the Hon'ble High Court. Similar statement was made by the petitioners/accused Deepak & Seema.

Keeping in view all aspects, statements of the complainant/respondent No.2, as well as, of petitioners/accused, the requisite information as sought for is submitted as under:

I) The compromise is genuine, voluntary and without any coercion or undue influence.

II) As per final report U/s 173 Cr.P.C., there is no other person involved in the occurrence.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had inflicted injuries on the person of respondent No.2 and also snatched her gold earrings. Petitioner Nos.1 and 2 are the son and daughter-in-law, respectively of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioners and respondent No.2 are residing together in the same house and the entire bitterness in the family has been cleared. An amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the family 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. 127 dated 02.08.2016, under Sections 379, 323, 324, 506, 34 IPC, registered at Police Station Sadar Jalandhar, District Jalandhar, and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.05.2023

Janki

(VIVEK PURI)
JUDGE

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