

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

**CRM-M-58486-2022
Date of Decision: 06.01.2023**

**ANMOLDEEP SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Manju Goyal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Aarush Neeraj Vaid, 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. 132 dated 15.10.2016, under Sections 341, 324, 148, 149 IPC, registered at Police Station Sangat, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.12.2022 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.

In compliance of the order dated 15.12.2022, learned Civil Judge (Jr. Division), Bathinda has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“In compliance with the abovesaid order, the parties i.e. complainant Bhupinderjeet Singh and accused persons Anmoldeep Singh, Sukhdhiyan

Singh, Bhinder Singh @ Bhinderjeet Singh and Gurdhiyan Singh had appeared before this Court on 22.12.2022. Their statements regarding compromise were recorded. Investigating Officer Assistant Sub Inspector Nirmaljeet Singh, No.98/Barnala, PS Sangat, District Bathinda, had also appeared before this Court on 02.01.2023 and his statement was recorded.

As per the statement of Investigating Officer Assistant Sub Inspector Nirmaljeet Singh, four persons namely Anmoldeep Singh, Sukhdhiyan Singh, Bhinder Singh (@ Bhinderjeet Singh and Gurdhiyan Singh were arrayed as accused in the abovesaid FIR. No case is pending against the accused persons except the abovesaid FIR nor they are previously convicted in any case. None of the accused was declared as proclaimed offender in the abovesaid FIR. All the accused persons have appeared before the Court.

In view of the statements of both the parties, it appears that the compromise between the parties is genuine, voluntary, without any pressure, coercion or undue influence. The compromise has been effected with free will of the parties. ”

Learned counsel for the petitioners contend that briefly, the FIR has been registered on the allegations that on 14.10.2016, the petitioners had inflicted injuries on the person of respondent No.2. It has been further submitted that in fact, the name of petitioner No.4 is Gurdhiyan Singh and has been wrongly mentioned in the FIR as Gurpiar Singh. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The injuries attributed to the petitioners are simple in nature. The parties are the residents of the same village and the amicable settlement will help in maintaining cordial relations between them in future.

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

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. 132 dated 15.10.2016, under Sections 341, 324, 148, 149 IPC, registered at Police Station Sangat, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.01.2023
Janki

(VIVEK PURI)
JUDGE

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