

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57865-2022
Date of Decision: 06.01.2023

DALJIT SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Rajan Singh Dadwal, Advocate for respondent No. 2 to 4 .

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of DDR No.27 dated 26.07.2018 under Sections 324, 323, 148 and 149 of IPC in FIR No.258 dated 26.07.2018 registered at Police Station Sadar Jagraon, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 12.12.2022 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 12.12.2022, learned Sub Divisional Judicial Magistrate, Jagraon has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. Statement of respondent No.

2/complainant Inderjit Singh, respondents no. 3/injured Sukhpal Singh @ Pali, respondent no. 4 Baldev Singh @ Debi and petitioner No. 1 Daljit Singh himself and on behalf of petitioner No. 2 Lakhvir Singh @ Lakha being Special POver of Attorney and as per their statement, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

2. Accused Daljit Singh and Gagandeep Singh @ Gagna are appeared in the court and are on bail in this case. Qua Lakhvir Singh @ Lakha, supplementary challan is awaited.

3. As per the statement of the parties, no other proceeding is pending against the accused persons.

4. As per the statements of the parties and investigating officer, no accused has been declared proclaimed offender in the present case. However, Binder Singh and Gurdial Singh they have been kept in column no. 2 as innocent and Lakhvir Singh @ Lakha has also been kept in column no. 2 by referring his arrest not yet effected and supplementary challan be presented after his arrest in report under section 173 Cr.P.C.”

Learned counsel for the petitioners contend that the version against the petitioners has been registered on the basis of the statement of respondent No.2 alleging that injuries were inflicted by the petitioners on the person of respondent Nos. 2 to 4. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). It is a case of version and cross-version and amicable settlement has been effected in both the cases. The injured are hale and hearty. 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 Nos.2 to 4 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 DDR No.27 dated 26.07.2018 under Sections 324, 323, 148 and 149 of IPC in FIR No.258 dated 26.07.2018 registered at Police Station Sadar Jagraon, District Ludhiana Rural 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