

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

CRM-M-58755-2022
Date of Decision: 01.03.2023

BALWINDER SINGH AND ANR .. PETITIONERS
VS.
STATE OF PUNJAB AND ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raman Kumar, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Satpreet Grewal Kapila, Advocate for
Mr. Rajeev K. Kapila, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the complaint case bearing number CIS No.Comi/26/2022 date of institution 25.04.2022 tilted as 'Baldev Singh Vs. Balwinder Singh etc.' filed under Sections 323, 324, 326, 34 IPC and summoning order dated 20.09.2022 on the basis of compromise.

On 19.12.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 19.12.2022, 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:-

“(I) There are two persons arrayed as accused in this complaint case.

(ii) *No accused is proclaimed offender in this case.*

(iii) *The factum of compromise is not disputed. Compromise seems to be genuine,*

effected amicably and voluntarily and without any coercion or undue influence.

(iv) As per the statement of the Investigating officer the above said FIR has been registered against the above said person.

(v) As per the complaint, there is only one victim/ complainant in this case.

I have also the Honour to submit that the other case titled as "state versus Baldev Singh" is also pending in the court of undersigned and the compromise has also been effected in the said case between the parties. Statements of the parties have been recorded regarding compromise and have been sent to the Hon'ble High Court in CRM-M-53654-2022."

Learned counsel for the petitioners contend that the allegations against the petitioners are to the effect that they had inflicted injuries on the person of respondent No.2. It is a case of version and cross-version. The case bearing FIR No.0251 dated 11.12.2021 under Sections 323, 325, 452 and 34 IPC has been registered at the instance of petitioner no.1 at Police Station Dasuya, District Hoshiarpur, wherein also an amicable settlement has also been effected between the parties. Petitioner No.1 and petitioner No.2 are aged about 60 and 58 years, respectively. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-4. 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 respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the complaint 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, the complaint case bearing number CIS No.Comi/26/2022 date of institution 25.04.2022 tilted as 'Baldev Singh Vs. Balwinder Singh etc.' filed under Sections 323, 324, 326, 34 IPC and summoning order dated 20.09.2022 on the basis of compromise are 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