

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58962-2022
Date of Decision: 06.01.2023

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajan Singh Dadwal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Umesh Kumar Kanwar, Advocate for respondent Nos.
2 to 4.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 258 dated 26.07.2018 under Sections 307, 324, 323, 341, 506, 148 and 149 IPC (Section 326 IPC added later on) 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 19.12.2022 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 19.12.2022, learned Addl. District Judge, Ludhiana has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“In this case there are three injured namely
Daljit Singh, Lakhvir Singh and Gagandeep Singh.

There are 5 accused facing trial namely Inderjit Singh, Sukhpal Singh, Baldev Singh, Kunda Singh and Parminder Singh.

This court recorded the statements of injured namely Daljit Singh as well as Gagandeep Singh, who admitted the compromise Ex. P/1 and stated in clear terms that they have no objection in case instant FIR is quashed in view of the compromise. One of the injured Lakhvir Singh is reported to be residing abroad. As per compromise itself he has given authorization to Daljit Singh to get record his statement. Daljit Singh also got recorded statement as attorney of Lakhvir Singh and proved on record attorney Ex.P/8 in this regard. All the accused also accepted this compromise Ex.P/1. Statements of the parties were duly recorded by the court.

This court is fully satisfied about the genuineness and voluntary nature of the compromise and report is accordingly submitted for kind perusal of the Hon'ble High Court that compromise between the parties seems genuine and voluntarily.

As far as other part of the report is concerned, it is submitted that all the accused are duly appearing in the case and are on bail. It is further submitted that no other proceedings are pending against any accused. It is also submitted that as per the record none of the accused has been declared proclaimed offender in the present case.

Copy of compromise Ex.P/1, copy of attorney by one of the injured Ex.P/8, statements of the parties admitting the compromise are accordingly submitted before the Hon'ble High Court for kind perusal.

Original compromise was produced before the court but after recording the statements of the parties, same was returned to the parties. Identity of the parties was duly established through their Advocates and Aadhar cards Ex. P/2 to Ex.P/7."

Learned counsel for the petitioners contend that the FIR has been registered on the basis of the statement of respondent No.2 alleging that the petitioners had inflicted injuries on the person of respondent Nos. 2 to 4. The injury under Section 307 IPC has been attributed to petitioner No.1 and the same is on the back of respondent No.2 with a knife. 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 FIR No. 258 dated 26.07.2018 under Sections 307, 324, 323, 341, 506, 148 and 149 IPC (Section 326 IPC added later on) 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