

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

CRM-M-51843-2019

Date of decision : 20.02.2023

Nirvair Singh and others

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagjeet Singh, Advocate for
Mr. Parminder Singh Kanwar, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Amit Arora, Advocate,
for respondents No.2.

VIVEK PURI, J. (ORAL)

Petitioners have has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.126 dated 17.08.2019 under Sections 324, 323 & 34 of IPC, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 24.09.2019 (Annexure P-3).

On 22.03.2021, parties were directed to appear before the Trial Court/Illaqa Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 22.03.2021, learned Judicial Magistrate 1st Class, Tarn Taran (D), has recorded the statements of the parties and submitted the report, the relevant paras whereof read as under:-

1. *“As per statement of IO ASI Dilbagh Singh 1748/TT, there are total four accused arraigned in the FIR. All accused are appeared before it and no accused has been declared Proclaimed Offender in this case.*
2. *As per statement of IO ASI Dilbagh Singh 1748/TT, Name of complainant is Hira Singh S/o Anokh Singh and Balbir Kaur W/o Hira Singh both R/o Village Warana, Tehsil and District Tarn Taran and all of them have appeared to make their statement in support of the compromise.*
3. *The trial is at investigation stage.*
4. *The compromise between the parties to the petition is genuine, voluntarily and out of free will.*
5. *As per the statement of IO ASI Dilbagh Singh 1748/TT, expect this no other FIR has been registered against the accused persons in the police station Sarhali.”*

Learned counsel for the petitioners contends that the injuries on the person of respondent No.2 are simple in nature and the injured has not suffered any disability. The dispute has been amicably settled between the parties in terms of the compromise dated 24.09.2019 (Annexure P-3). The parties are 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 states that he has no objection if the FIR in question is quashed.

After hearing the 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 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.126 dated 17.08.2019 under Sections 324, 323 & 34 of IPC, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

**(VIVEK PURI)
JUDGE**

20.02.2023

Nisha-I

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*