

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

CRM-M-55120-2019

Date of Decision: 14.03.2023

LOVISH SHARMA AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Jaspreet Kaur, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Shokeen S. Verma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.145 dated 23.09.2014 under Sections 324, 341, 506, 148 and 149 IPC and later on Section 201 IPC added, registered at Police Station City Malout, District Shri Muktsar Sahib and all the consequential proceedings arising therefrom on the basis of compromise.

On 20.12.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 20.12.2019, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Malout has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the statements made by the parties, this court is satisfied that aforesaid statements have been made by complainant Aseem and accused are voluntarily, without any threat or any undue influence. It is further submitted that as per statement of ASI Karnail Singh, none of the

accused has been declared as proclaimed offender.”

Learned counsel for the petitioners contend that FIR has been registered on the allegations that the petitioners had wrongfully restrained respondent No.2 and inflicted injuries on his person. The injuries are simple in nature and with the intervention of the respectables and family, an amicable settlement has been effected between the parties. Annexure P-2 is the compromise deed. The petitioners and respondent No.2 are residents of the same town and having friendly relations. 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 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. 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, FIR No.145 dated 23.09.2014 under Sections 324, 341, 506, 148 and 149 IPC and later on Section 201 IPC added, registered at Police Station City Malout, District Shri Muktsar Sahib and all the consequential proceedings arising therefrom 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.

14.03.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No