

250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47509-2021
Date of Decision: 31.03.2022

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Param Preet Singh Brar, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. GPS Ghumman, Advocate for
Mr. Ramandeep Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 08 dated 01.02.2014 Under Sections 452, 323, 354-B, 427, 34 IPC 1860, registered at Police Station Sadiq, District Faridkot and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that on 31.01.2014, the petitioners had committed trespass in the house of respondent No.2, inflicted injuries upon her, a chunni was put around her neck, she was dragged and kick blows were inflicted in her stomach.

On 23.12.2021 notice of motion was issued and 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 23.12.2021, learned Judicial Magistrate First Class, Faridkot has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“With due regard and with reference to the orders dated 23.12.2021, passed in the captioned Criminal Misc. No.47509-2021, thereby directing the parties to appear before this court for the purpose of their statements and calling for a report from the undersigned with regard to compromise on the basis of their statements to be recorded by the undersigned, I have the honour to submit that pursuant to the orders so passed by the Hon'ble High Court, statements of complainant Balkaran Kaur wife of Baljinder Singh and the accused Jasbir Singh son of Sucha Singh, Jangir Kaur wife of Baljit Singh, Anoop Kaur wife of Harjinder Singh, and Malook Singh son of Gurbachan Singh have been recorded by the undersigned on 24.01.2022.

As per the statements of complainant and the accused persons have been recorded by the undersigned, all of them have echoed the version having arrived at a voluntary compromise with free will and with the intervention of respectables. The complainant Balkaran Kaur even made statement that she has got no objection if the FIR in question is quashed

The statements of the parties recorded by the undersigned, duly verified by Shri Jatinder Singh Khosa, Advocate, Learned Counsel for complainant/respondent and by Shri Kiranjeet Singh, Advocate, Learned Counsel for accused/petitioners are also being sent herewith.

Statement of SI Satpal Singh No. 434/ FDK, Police line Moga has also been recorded to the effect that the present FIR was registered against the accused persons namely Malook Singh son of Gurbachan Singh, Anoop Kaur wife of Harjinder Singh, Jangir Kaur @ Jasvir Kaur wife of Daljit Singh and Jasbir Singh son of Sucha Singh on the statement of complainant. No other person was ever arrayed as accused in the present case. None of accused has ever been declared proclaimed person in the present case. Balkaran Kaur was the only complainant/ victim in the present FIR.

On the basis of statements made by the parties before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with the intervention of respectables, which in turn is aimed at maintaining brotherhood and harmony between the parties and is thus for the welfare of the parties as well. There is nothing on the record to even doubt the genuineness of the compromise so arrived at between the parties.”

Learned counsel for the petitioners contend that the private parties are relatives and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 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 dispute between the relatives 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. 08

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dated 01.02.2014 Under Sections 452, 323, 354-B, 427, 34 IPC 1860,
registered at Police Station Sadiq, District Faridkot and all the consequential
proceedings arising therefrom are quashed qua the petitioners.

31.03.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No