

CRM-M-25271-2020

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

(Through Video Conferencing)

CRM-M-25271-2020

Date of Decision: 14.10.2020

Kuldeep Singh @ Punna and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Parveen Kumar Garg, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Ritesh Pandey, Advocate,
for the complainant/respondent no.2.

NIRMALJIT KAUR, J. (Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.175 dated 27.6.2020, under Sections 452, 323,294, 148 and 149 of IPC, registered at Police Station City Sunam, District Sangrur and all other subsequent proceedings arising out therefrom on the basis of compromise, dated 8.7.2020 (Annexure P-2).

Vide order dated 1.9.2020, this Court directed the parties to appear before the trial Court/Illaq Magistrate for getting their statements recorded with regard to the genuineness of the compromise with a further direction to the Illaq Magistrate/trial Court to submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

The report of the Sub Divisional Judicial Magistrate, Sunam has been forwarded by learned District and Sessions Judge, Sangrur vide

Endst. No.5122/EB dated 21.09.2020. As per report of the Sub Divisional Judicial Magistrate, Sunam dated 21.09.2020, the parties have compromised the matter. The said report further confirms that the compromise was genuine, voluntary and was effected without any threat, fear, inducement and pressure. There are five accused in the FIR and were never declared as proclaimed offenders. Challan is yet to be presented.

In view of the above, it is evident that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs State of Punjab**, 2008 (2) RCR (Criminal) 429, observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.”

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Vs State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The learned counsel for the complainant/respondent No.2

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further confirms the compromise and stated that he has instructions to state that the complainant has no objection, if the FIR is quashed.

Learned State counsel also states that neither the accused were declared proclaimed offenders nor challan has been filed in the present FIR.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise.

Accordingly, the present petition is allowed and the FIR No.175 dated 27.6.2020, under Sections 452, 323, 294, 148 and 149 of IPC, registered at Police Station City Sunam, District Sangrur and all other consequential proceedings arising out of it are quashed.

It goes without saying that the parties will be bound by the said compromise.

(NIRMALJIT KAUR)
JUDGE

14.10.2020
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No