

226-a

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

CRM-M-28394-2020

Date of decision : October 26, 2020

BARTU RAM @ DR. BHARTHU AND ORSPetitioners
Versus

STATE OF PUNJAB AND ANR ...Respondents
CRM-M-28644-2020

KARAMVEER @ BEERU AND ORS ...Petitioners

Versus

STATE OF PUNJAB AND ANR ...Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naresh Kumar, Advocate
for the petitioners(inCRM-M-28394-2020)
for respondent No. 2 (in CRM-M-28644-2020)

Mr. M.K.Dhot, Advocate
for the petitioners (in CRM-M-28644-2020)
for respondent No. 2 (in CRM-M-28394-2020)

Mr. Ajay Pal Singh, DAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing
due to outbreak of the pandemic, COVID-19.

This order shall dispose of two petitions i.e. CRM-M-28644-2020 and
CRM-M-28394-2020.

Prayer in CRM-M-28394-2020is for quashing of FIR No. 53 dated
23.05.2019 under Sections 323, 325, 148, 149 IPC registered at Police Station
Mehtiana, District Hoshiarpur and all other consequential proceedings arising
therefrom on the basis of a compromise dated 12.07.2019 (Annexure P3) arrived
at between the parties.

Prayer in CRM-M-28644-2020is for quashing of cross case i.e.

General Diary No. 18 dated 29.05.2019 under Sections 323, 452, 34 IPC registered

at Police Station Mehtiana, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of the abovesaid compromise dated 12.07.2019 (Anneuxre P3) arrived at between the parties.

With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 12.07.2019. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petitions have been filed on the basis of this compromise.

The parties were directed vide orders dated 17.09.2020 and 21.09.2020 in CRM-M-28394-2020 and CRM-M-28644-2020, respectively to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court/Illaq Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to orders dated 17.09.2020 and 21.09.2020, the parties appeared before the learned Judicial Magistrate First Class, Hoshiarpur and their statements were recorded on 05.10.2020. All the parties stated that the matter has been compromised by them out of their own free will, without any pressure or coercion. Statements of the parties in respect to the compromise were recorded.

As per report dated 07.10.2020 received from the learned Judicial Magistrate First Class, Hoshiarpur, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. Statements of the parties are appended alongwith the said report.

Learned counsel for the parties reaffirm and verify the factum of settlement between the parties. It is reiterated that there is no objection to the quashing of the abovementioned FIR and the cross case.

Learned counsel for the State submits that as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“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 Criminal Procedure Code 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”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

These petitions are, thus, allowed and FIR No. 53 dated 23.05.2019 under Sections 323, 325, 148, 149 IPC as well as General Diary No. 18 dated 29.05.2019 under Sections 323, 452, 34 IPC registered at Police Station Mehtiana, District Hoshiarpur along with all consequential proceedings are, hereby, quashed.

October 26, 2020
rts

(Lisa Gill)
Judge

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