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(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through Video Conferencing)

1. CRM-M-32441-2020
Date of Decision: 15.12.2020

Amarjit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

2. CRM-M-32438-2020

Sahijdeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Mohd. Salim, Advocate
for the petitioners in CRM-M-32441-2020 and
for respondent No.2 in CRM-M-32438-2020.

Mr. Puneet Pali, Advocate,
for the petitioners in CRM-M-32438-2020 and
for respondent Nos.2 and 3 in CRM-M-32441-2020.

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

Both the above mentioned petition shall stand decided by this
common order.

The petition bearing CRM-M-32441-2020 has been filed for
quashing of FIR No.106 dated 09.09.2020, under Sections 324 and 34 of
IPC registered at Police Station Sandaur, District Sangrur on the basis of
compromise, dated 07.10.2020 (Annexure P-3) and another petition bearing
CRM-M-32438-2020 has been filed for quashing of DDR No.27 dated
09.09.2020, under Sections 323 and 34 of IPC registered at Police Station
Sandaur, District Sangrur in case FIR No.106, dated 09.09.2020 under

Sections 324 and 34 IPC, registered at Police Station Sandaur, District

Sangrur on the basis of compromise, dated 19.09.2020 (Annexure P-3) supported by affidavit dated 07.10.2020 (Annexure P-4).

Vide order dated 13.10.2020, the co-ordinate Bench of this Court directed the parties to appear before the CJM/Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise with a further direction to the CJM/Illaqa Magistrate/trial Court to submit its report with regard to the genuineness of the compromise.

The report of the Judicial Magistrate Ist Class, Malerkotla has been forwarded by learned District and Sessions Judge, Sangrur vide his endorsement No.6508/EB dated 26.11.2020. As per report of the Judicial Magistrate Ist Class, dated 23.11.2020, the parties have compromised the matter. The said report further confirms that the compromise was genuine, voluntarily and without any pressure or coercion. Further, no proclamation proceedings were pending against either of the parties.

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 behavior. 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”.

Learned counsel for both the parties too confirm the compromise and stated that they have instructions to state that the concerned parties have no objection, if the FIR as well as DDR are quashed.

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

Accordingly, the present petitions are allowed and the FIR No.106 dated 09.09.2020, under Sections 324 and 34 of IPC registered at Police Station Sandaur, District Sangrur and DDR No.27 dated 09.09.2020, under Sections 323 and 34 of IPC registered at Police Station Sandaur, District Sangrur in case FIR No.106, dated 09.09.2020 under Sections 324 and 34 IPC, registered at Police Station Sandaur, District Sangrur are quashed.

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

15.12.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

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