

CRM-M-51540-2019 (O&M)

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

(Through Video Conferencing)

CRM-M-51540-2019 (O&M)

Date of Decision: 14.10.2020

Lovenesh Kumar @ Dhillu and othersPetitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Aman Mittal, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Meenu Goel, Advocate,
for the complainant/respondent no.2.

NIRMALJIT KAUR, J. (Oral)

CRM-25596-2020

Affidavits of complainant/respondent No.2 (Ajay Kumar) and another injured/Sagarpreet are taken on record.

Application stands disposed of.

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Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.140 dated 16.9.2019 (Annexure P-1), under Sections 323, 341, 506, 148, 149 and 427 of IPC, registered at Police Station Sadar, District Hoshiarpur and all other subsequent proceedings arising out therefrom on the basis of compromise, dated 26.9.2019, (Annexure P-2).

This Court vide order dated 7.10.2020 directed the respondent No.2/complainant to file affidavit confirming the compromise and whether he has any objection for quashing of the FIR.

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In view of the aforesaid direction issued by this Court, complainant/respondent No.2 (Ajay Kumar) and another injured/Sagarpreet have filed their affidavits confirming the compromise stating therein that they have no objection, if FIR No.140 dated 16.9.2019 under Sections 323, 341, 506, 148, 149, 427 of IPC, registered at Police Station Sadar, District Hoshiarpur is quashed.

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 also confirms the compromise and submitted that she has instructions to state that the complainant/respondent No.2 and another injured Sagarpreet have

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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.140 dated 16.9.2019 under Sections 323, 341, 506, 148, 149, 427 of IPC, registered at Police Station Sadar, District Hoshiarpur 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