

230

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

**CRM-M No.33290 of 2020(O&M)  
Date of Decision: 04.03.2021**

**Gurbachan Singh**

**.....Petitioner**

**Vs**

**State of Punjab and another**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Sukhmeet Singh, Advocate  
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Gurmeet Singh Saini, Advocate  
for respondent No.2.

\*\*\*\*

**RAJ MOHAN SINGH, J. (Oral)**

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.28 dated 18.06.2010 registered under Sections 323, 324 IPC at Police Station Baja Khana, District Faridkot along with all subsequent proceedings arising therefrom on the basis of

compromise.

[3]. In the context of genuineness of the compromise, both the parties were directed to appear before the Illaqa Magistrate/trial Court. The trial Court after recording the statements of the parties has submitted its report. Relevant part of the report is reproduced hereasunder:-

*“As per the order dated 11.01.2021 passed by Hon'ble Punjab and Haryana High Court in CRM-M-33290-2020 (O&M) in case titled as Gurbachan Singh Vs. State of Punjab, FIR No.28 dated 18.06.2010 under Section 323/324 of IPC PS Bajakhana, the statements of both parties namely complainant Iqbal Singh and accused Gurbachan Singh have been recorded on 29.01.2021. The complainant and accused have stated that they have effected a compromise with the intervention of the relatives and other respectables. The complainant Iqbal Singh has submitted that the compromise is genuine, voluntarily and without any coercion and undue influence. He further submitted that he has no objection if the present FIR be quashed against accused. The statements of complainant and accused reflects that they have settled the matter and compromise effected between them is genuine, voluntarily and without any kind of undue influence and coercion.*

*1.As per the statements of both the parties, they*

*have compromised the matter with the intervention of relatives and respectables, I am satisfied that compromise effected between them is genuine, voluntarily and without any undue influence or coercion.*

*2. As per statement of criminal Ahlmad and statement of Investigating Officer, neither any other FIR or any other criminal proceeding is pending against the accused nor accused is declared proclaimed offender in any criminal case.”*

[4]. In view of compromise between the parties, chance of complainant coming forward in support of prosecution case is negligible. Since the compromise has been entered into between the parties and the same has been found to be genuine by the Magistrate, therefore, on the strength of **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543,** the FIR can be quashed.

[5]. Learned State counsel, however, opposed the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[6]. Resultantly, FIR No.28 dated 18.06.2010 registered under Sections 323, 324 IPC at Police Station Baja Khana,

District Faridkot as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7].       Petition stands disposed of.

04.03.2021

(RAJ MOHAN SINGH)  
JUDGE

*Prince*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No