

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

Sr. No.209

1.

CRM-M-43669-2020

VIJAY KUMAR @ BABA AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

2.

CRM-M-43735-2020

DALIP CHAND AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

Date of Decision:21.01.2021

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. G.S. Rawat, Advocate,
for the petitioners (in CWP-43669-2020), and
for respondent No.2 (in CWP-43735-2020).

Mr. Deepak Arora, Advocate,
for the petitioners (in CWP-43735-2020), and
for respondents No.2 to 4 (in CWP-43669-2020).

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

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of COVID-19 pandemic.

CRM-M-43669-2020

The petitioners have invoked inherent jurisdiction of this Court
by way of filing this petition under Section 482 Cr.P.C., thereby making
prayer for quashing of FIR No.51 dated 13.06.2019 under sections 324, 323,
148, 149 of Indian Penal Code, registered at Police Station, Dhariwal,
District Gurdaspur, and all the consequential proceedings arising therefrom,

on the basis of arrival of compromise between the parties. Likewise, even cross-version was setup in the aforesaid FIR at the instance of Gurmeet Singh.

CRM-M-43735-2020

The petitioners have invoked inherent jurisdiction of this Court by way of filing this petition under Section 482 Cr.P.C., thereby making prayer for quashing of cross case, so set up at the instance of Gurmeet Singh, who has been arrayed as respondent No.2 in this petition.

On 23.12.2020, notice of motion was issued in both the petitions and parties were directed to appear before the Illaqa Magistrate/trial Court/Duty Magistrate and get their statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In consonance with the order dated 23.12.2020 passed in both the petitions, learned Chief Judicial Magistrate, Gurdaspur, has recorded the statements of the parties *vis-a-vis* arrival of compromise dated 06.07.2020. Even, statement of the Investigating Officer has been recorded and on the basis of the statements so got recorded, learned Chief Judicial Magistrate, Gurdaspur reached at the conclusion that the compromise dated 06.07.2020 (Annexure P-3) is genuine, voluntary, without any coercion or undue influence working on the minds of the parties.

The parties are residents of same village and thus arrival of the compromise shall remove the bitterness existing between them, on account of initiation of the criminal proceedings against each other and shall give quietus to the dispute between them.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*Kulwinder Singh and others Vs. State of Punjab and another*”, 2007(3) RCR (Criminal) 1052, upheld by Hon'ble Apex Court in “*Gian Singh Vs. State of Punjab and others*”, (2012) 10 SCC 303.

Considering the aforesaid fact situation of both the cases, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.51 dated 13.06.2019 under sections 324, 323, 148, 149 of Indian Penal Code, registered at Police Station, Dhariwal, District Gurdaspur, cross-case registered in the ibid FIR and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

21.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No