

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5018-2022
Reserved on : 28.03.2022
Pronounced on: 31.03.2022

Joginder Pal and anotherPetitioner(s)

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S. Randhawa, Advocate for
Mr. Manvinder Sidhu, Advocate for the petitioners.

Mr. H.S. Sitta, AAG, Punjab.

Mr. J.S. Lalli, Advocate for respondents No.2 to 4.

ANOOP CHITKARA J.

DDR No.	Dated	Police Station	Sections
40	30.08.2015	Division No.2, Jalandhar	509, 323 & 34 IPC

In

FIR No.	Dated	Police Station	Sections
129	24.08.2015	Division No.2, Jalandhar	451, 452, 323, 427, 148, 149 IPC

The petitioner(s), arraigned as accused in the above captioned DDR, have come up before this Court under Section 482 CrPC for quashing of the DDR and all consequential proceedings based on the compromise with the victim(s).

2. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition.
3. After that, the petitioner(s) came up before this Court to quash the DDR, and in the quashing petition, the victim(s) have been impleaded as respondent(s).
4. On 23-02-2022, the victims/ aggrieved persons Anju Bala(R-2), Jacson @ Jackson Kumar (R-3), and Sandeep Bansal (R-4) stated before the JMIC Jalandhar that there would be no

objection if the court quashes this DDR and consequent proceedings. As per the concerned court's report dated 10-3-2022, the parties consented to the quashing of DDR and consequent proceedings without any threat. The other 2 persons Pankaj Kumar @ Manga & Sonu party to compromise have not been injured as per the DDR. Hence not a party to the petition.

ANALYSIS & REASONING:

5. Despite the severe opposition of the State's counsel to this compromise, the following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
- c) The victim has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;
- i) The exercise of the inherent power for quashing the FIR and all consequential proceedings is justified to secure the ends of justice.

6. In the present case, the offences under sections 509, 323 of Indian Penal Code, 1860, (IPC) are compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC). However, in the facts and circumstances peculiar to this case, the prosecution qua the non-compoundable offences can be closed by quashing the DDR and consequent proceedings.

7. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the DDR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner(s) are accordingly

discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

31.03.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.