

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

**CRM-M-4364 of 2021
Date of Decision:- 05.12.2022**

Amarpreet and others

....Petitioners

Vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ashish Grewal, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. MS Rana, Advocate
for Mr. Sahil Rathee, Advocate
for complainant.

KARAMJIT SINGH, J.

Prayer in this petition is for quashing of FIR No.129 dated 21.11.2011 registered under Sections 323, 325, 34 IPC registered at Police Station Chhachhrauli, District Yamuna Nagar and all the subsequent proceedings arising thereof including judgment/order dated 04/08.08.2016 passed by the Court of Judicial Magistrate 1st Class, Bilaspur, District Yamuna Nagar, whereby the petitioners were convicted and sentenced to imprisonment under

Section 323 and 325 read with Section 34 IPC, on the basis of compromise dated 22.01.2021 (Annexure P-4).

The above stated FIR was registered on the statement of complainant/respondent No.2-Lakhwinder Singh against the petitioners.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the aforesaid FIR and judgment and order dated 04/08.08.2016, passed by the trial Court are quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Chief Judicial Magistrate 1st Class, Sub Division, Bilaspur along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there is no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come

on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

A Division Bench of this Court in Sube Singh and another Vs. State of Haryana and another 2013(4) RCR (Criminal) 102 allowed the quashing petition on the basis of compromise and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate, whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

Recently, the *Hon'ble Apex Court in Criminal Appeal No.1393 of 2011, Ramawatar Vs. State of Madhya Pradesh, decided on 25.10.2021*, quashed all the proceedings including judgment and order of conviction and sentenced passed by the trial Court against which the appeal was pending in the High Court, on the basis of compromised effected between the parties.

In the case at hand, the parties have effected compromise. In view of the compromise, respondent No.2 does not want to take any further action against the petitioners. I am of the view that the aforesaid compromise is in the welfare of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the Appellate Court and further

continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.129 dated 21.11.2011 registered under Sections 323, 325, 34 IPC registered at Police Station Chhachhrauli, District Yamuna Nagar and all the subsequent proceedings arising thereof including judgment/order dated 04/08.08.2016 passed by the Court of Judicial Magistrate 1st Class, Bilaspur, District Yamuna Nagar, whereby the petitioners were convicted and sentenced to imprisonment under Sections 323 and 325 read with Section 34 IPC, on the basis of compromise dated 22.01.2021 (Annexure P-4) are hereby quashed qua the petitioners.

The present petition stands disposed of accordingly, so also the pending miscellaneous application(s), if any.

05.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No