

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

CRM-M-6713-2022 (O&M)

Date of decision: 5.5.2022

Vijay Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. A.S.Manaise, Advocate, for the petitioners.
Mr. M.S.Nagra, AAG, Punjab.
Mr. Satvir Singh, Advocate, for
Mr. G.S.Manuke, Advocate, for respondent No.2 to 4.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.41 dated 17.3.2021 registered under Sections 452, 323, 379, 506, 148, 149 IPC at Police Station Tanda, District Hoshiarpur on the basis of compromise (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Sham Lal in which he alleged that the petitioners assaulted him and respondents No.3 and 4 at the time of the occurrence.

On notice of motion, respondents No.2 to 4 appeared in the Court through counsel and pleaded that they are having no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate 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 Judicial Magistrate, 1st Class, Dasuya along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondents No.2 to 4 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.

In view of above, nothing remains to be adjudicated further in the present case. Thus, 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 aforestated 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.41 dated 17.3.2021 registered under Sections 452, 323, 379, 506, 148, 149 IPC at Police Station Tanda, District Hoshiarpur and all the subsequent proceedings are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

May 5, 2022

Paritosh Kumar