

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

274

CRM-M-12697-2021
Date of Decision: 15.09.2022

Suresh Kumar alias Neetu & ors.

....Petitioners

VERSUS

The State of Punjab & ors.

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sahil Garg, Advocate,
for the petitioners.

Mr. M.S. Joshi, Addl.A.G., Punjab.

Mr. Hemant Hans, Advocate,
for respondents No.2 and 3.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.0051 dated 14.04.2020 registered under Sections 452, 323, 506 and 34 IPC at Police Station Dhanaula, District Barnala, on the basis of compromise/Panchayati Rajinama (Annexure P-2).

The above stated FIR was registered on the statement of complainant/respondent No.2-Sita Rani against the petitioners. It is alleged that on 14.04.2020, there was a fight between the petitioners and respondent No.2 emanating from the construction of common wall on the already existing wall between their houses.

On notice of motion, respondents No.2 and 3 appeared in the Court through their counsel and pleaded that they have 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/Illaqa Magistrate was directed to record the statements of 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, Barnala (Duty), 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 parties 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.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

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.0051 dated 14.04.2020 registered under Sections 452, 323, 506 and 34 IPC at Police Station Dhanaula, District Barnala, and all the subsequent proceedings are hereby quashed qua the petitioners.

15.09.2022
monika

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No