

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 18958 of 2021
Reserved on 19.04.2022
Pronounced on:July 14, 2022

Omkar Chand and anotherPetitioners

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raman Kumar, Advocate for
Mr. V.K. Kaushal, Advocate for the petitioners

Mr. Harsimar Singh Sitta, AAG, Punjab

Mr. Naveen Batra, Advocate for respondents No.2 and 3

ANOOP CHITKARA J.

DDR No.	Dated	Police Station	Sections
54	26.10.2020	Sadar Hoshiarpur, District Hoshiarpur	323/34 IPC

IN

FIR No.	Dated	Police Station	Sections
171	25.10.2020	Sadar Hoshiarpur, District Hoshiarpur	307, 323, 324, 506, 34 IPC

The petitioners, 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 a compromise with the aggrieved person. There are cross-cases lodged by both the parties against each other, both levelling similar allegations of assault.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-3.

3. After that, the petitioners came up before this Court to quash the FIR, and in the quashing petition, the aggrieved person have been impleaded as respondents.

4. On 2-4-2022, the aggrieved persons Hoshiar Singh (R-2) and Gurdial Singh (R-3) stated before the Sessions Judge, Hoshiarpur that there would be no objection if the court quashes

this FIR and consequent proceedings and they would maintain peace and good behaviour. As per the concerned court's report dated 2-4-2022, the parties consented to the quashing of FIR and consequent proceedings without any threat or coercion.

ANALYSIS & REASONING:

5. The State’s counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.
6. In the present case, the offences are compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC).
7. It shall be appropriate to refer to the DDR and counter FIR which is annexed with CRM-M-18896-2021. The petitioners in the present case are the accused in the other case and vice versa. The allegations levelled by both the groups are of assault; however, the petitioner had received more severe injuries in the present case. Now, good sense appears to have prevailed over the groups to maintain peace and harmony, and leave like decent members of community.
8. The injured and all the accused had appeared before the Court of Ld. Sessions Judge and had stated that they had entered into a compromise. The parties belong to the same area and must be living there for generations and might continue to live, who knows for how long. In the closely-knit community, when the parties have buried their hatchets, the continuation of criminal proceedings will not advance the reformatory purposes of jurisprudence just for the sake of deterrence.
9. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.
10. 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 petitioners are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

July 14, 2022

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Whether speaking/reasoned:

Yes

Whether reportable:

No.