

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 36549 of 2019 (O&M)
Reserved on: 30.03.2022
Pronounced on : 31.03.2022

Parveen Kumar and anotherPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Anna Thakur, Advocate for
Mr. Akshay Jindal, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
75	23.07.2018	Bilga, District Jalandhar	406, 420 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 Cr.P.C for quashing of the FIR 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.
3. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the victim(s) have been impleaded as respondent(s).
4. On 21.03.2022 the victim/ aggrieved person Rajinder Singh(R-2) stated before the JMIC Phillaur that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 25.03.2022, the parties consented to the quashing of FIR and consequent proceedings without any threat. The copy of the compromise is annexed with the report as Annexure P-2.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, the offences under sections

406 & 420 of Indian Penal Code (IPC) are compoundable under Section 320 Cr.P.C. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

6. 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.

7. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Charge sheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”

8. 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 Cr.P.C and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

31.03.2022
Jyoti-II

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