

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

CRM-M-38536-2019 (O&M)

Date of Decision:-**18.08.2022**

RAJIV MASIH AND OTHER

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Gursharan Singh, Advocate
for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for respondents No.2 and 3.

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KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of complaint No.10 of 2018 dated 26.11.2018 titled as Jagdish Pal vs. Rajiv Masih and Others under Sections 326, 324, 323, 341, 506, 148, 149 pending in the Court of Judicial Magistrate Ist Class, Gurdaspur (Annexure P-1) on the basis of compromise along with other consequential proceedings arising thereto.

The abovesaid complaint was lodged by respondent No.2 alleging that the accused persons caused injuries to him and respondent No.3.

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/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 Ist Class, Gurdaspur 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 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 complaint No.10 of 2018 dated 26.11.2018 titled as Jagdish Pal vs. Rajiv Masih and Others under Sections 326, 324, 323, 341, 506, 148, 149 pending in the Court of Judicial Magistrate Ist Class, Gurdaspur (Annexure P-1) on the basis of compromise and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

18.08.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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