

CRM-M No. 49976 of 2021
Reserved on 21-3-2022
Pronounced on: March 31, 2022

Rajwinder Singh and anotherPetitioners

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Sodhi, Advocate and Mr. J.S. Sodhi, Advocate
for the petitioners

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Rajinder Singh Dhaliwal, Advocate
for the respondents No.2 and 3

ANOOP CHITKARA J.

DDR No.	Dated	Police Station	Sections
43	18-5-2017	Dharamgarh, District Sangrur	341, 323, 34 IPC

IN

FIR No.	Dated	Police Station	Sections
39	18-5-2017	Dharamgarh, District Sangrur	324, 323, 341, 148, 149 of IPC, later on Section 148, 149 IPC deleted and presented challan by adding under Sections 341, 324, 323, 34, 201 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC 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, and its copy is annexed with this petition as Annexure P-3.
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). One of the eyewitness/injured Diyal Kaur was impleaded later on.

4. On 7-3-2022, Diyal Kaur (R-4) and on 10-12-2021, the victim Gursewak Singh (R-2), legal heir of complainant Late Jeet Singh; Udam Singh (R-3), husband of Kulwinder kaur, who was an eye witness to the incident; stated before the JMJC, Sunam that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 09.03.2022, the parties consented to the quashing of GDR and consequent proceedings without any threat.

5. Despite the opposition of the State's counsel to this compromise, the following aspects would be relevant to conclude this petition.

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
- c) The victim has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;
- i) The exercise of the inherent power for quashing the FIR and all consequential proceedings is justified to secure the ends of justice.

6. In the present case, the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7. 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.

8. 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/Chargesheet. 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.”

9. 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 CrPC 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

March 31, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.