

CRM-M No. 49806 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-49806-2021

Reserved on : 20.12.2021

Pronounced on : 05.01.2022

Rajender Singh @ Sindha and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Dhaliwal, Advocate for the petitioners.

 Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

 Mr. Kuldeep Singh, Advocate for respondent No.2.

ANOOP CHITKARA J.

GD No.	Dated	Police Station	Sections
28	22.09.2019	Ballianwali, District Bathinda	324, 323, 148 & 149 IPC

The petitioners, who have been arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC to quash the General Diary entries and all consequential proceedings based on the compromise with the victims.

2. The gist of the allegations against the petitioner(s) is that on 22.02.2019, the complainant (respondent No.2) informed the police that in the morning at about 8.15 am, Sinda Singh, Pritpal Singh, Sukhjot Singh and Rinku (petitioners herein) were demolishing their joint wall. When he asked them not to do so they gave him beatings with gandasa, kassi etc. Based on this, the police registered the above captioned General Daily Diary Entry. On the same date, police recorded the statement of the opposite party under Section 154 Cr.P.C. in which the contrary version was given which lead to registration of FIR No.15 dated 24.02.2019 under sections 324, 323, 148 & 149

IPC at Police Station Ballianwali, District Bathinda.

3. During the pendency of the petition, the accused and the injured have entered into an out of Court Panchayati compromise and its copy is annexed with this petition as **Annexure P-3**. After that, the petitioners have come up before this Court to quash the GD, and in the quashing petition, the injured have been impleaded as respondent(s). It has been stated in the compromise that the parties shall continue to visit each others and no person would take revenge.

4. On the prayer of the parties in the present petition, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Sessions Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. As per report of JMIC, Phul, statements of all the parties concerned, have been recorded and the compromise effected between them is genuine, voluntary and without any coercion or undue influence. It submitted that as per statement of the complainant, he has no objection if the GD along with all consequential proceedings, is quashed.

6. 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, habitual, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family and society;

i) The ends of justice would justify the exercise of the inherent power by quashing the FIR and the consequent proceedings.

7. In the present case, the offences under sections 324, 323, 148 & 149 of Indian Penal Code (IPC) are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the General Diary entries and consequent proceedings, if any.

8. 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.

9. 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."

10. Given above, because of the compromise, this is a fit case where the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure is invoked to quash the proceedings mentioned above. In the facts and circumstances peculiar to this case, the petition is allowed in the aforementioned terms. The General Diary entries and all consequential proceedings arising therefrom, are hereby quashed qua the present petitioners. The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)

JUDGE

05.01.2022

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Whether speaking/reasoned: Yes

Whether reportable: No