

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 41187-2019
Reserved on 11.05.2022
Pronounced on : July 18, 2022

Raghbir Singh and anotherPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Malkeet Singh Balianwali, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Veeraj Sharma, Advocate for
Mr. Siddharth Gupta, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
42	19.05.2018	Sadar Rampura, Distt Bathinda	323, 341, 506, 34 IPC

The petitioners, 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 aggrieved person.

- 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-2.
- After that, the petitioners came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent(s).
- On 14-12-2019, the complainant /aggrieved person Gurdeep Singh (R-2) as well as the accused/petitioners stated before the Presiding Officer of National Lok Adalat that the matter has been compromised. Even the police had presented the cancellation report which was accepted and the untraced report was sent to the concerned quarters.

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, all the offences are compoundable under Section 320 CrPC. 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 the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

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 petitioners are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

July 18, 2022
sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No.