

CRM-M No. 52898 of 2021
Reserved on : 11.02..2022
Pronounced on: 17.02.2022

Ridhi and othersPetitioner(s)

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Jhanji, Advocate for the petitioner(s).

 Mr. H.S. Sitta, AAG, Punjab.

 Mr. Gitish Bhardwaj, Advocate for the respondents.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
DDR No.037	04.08.2021	Fatehgarh Sahib, District Fatehgarh Sahib	323, 341, 506 & 34 IPC Cross Version in FIR No.148 dated 04.08.2021 under Sections 323, 452, 506, 148 & 149 IPC

The petitioner(s), arraigned as accused in the above captioned DDR, have come up before this Court under Section 482 CrPC for quashing of the DDR and all consequential proceedings based on the compromise with the victim(s).

2. The gist of the allegations against the petitioner(s) is that the petitioner herein made a complaint before the police and on that complaint, the police registered the FIR captioned above against respondent No.3 and others and a cross version case was also registered on complaint of the respondent(s).
3. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition. After that, the petitioner(s)(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 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 Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. 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, all the offences under sections 323, 341, 506 & 34 of the Indian Penal Code are compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC).
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 DDR in FIR No.148 dated 04.08.2021 and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner(s) are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

February 17, 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**