

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

CRM-M-53730-2021
Date of Decision:-23.3.2022

Dinesh Thakur

... Petitioner

Versus

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. G.S. Gurna, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Present petition is for quashing of criminal complaint No.13 of
2012 filed by respondent No.2 under Sections 452, 323, 325, 341, 342, 506
read with Section 34 IPC and pending in the Court of Sub Divisional
Judicial Magistrate, Mukerian (Annexure P-1), on the basis of compromise
affidavit sworn by respondent No.2 along with other consequential
proceedings arising thereto.

The impugned complaint was filed arraying the petitioner and three other persons on the allegations that on 24.08.2012 all of them in furtherance of their common intention inflicted injuries to him. It is apt to mention here that after trial accused Deepak Thakur, Santosh Kumari and Satpal were acquitted while the petitioner who was proclaimed offender at that time, has now appeared before the trial Court and the case is fixed for pre-charge evidence of complainant.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has 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 Sub Divisional Judicial Magistrate, Mukerian 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.

For the reasons aforestated 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 impugned complaint and all the subsequent proceedings thereof are hereby quashed qua the petitioner.

Needless to mention that both the parties will abide by the terms and conditions of the settlement as per affidavit Annexure P-4 in letter and spirit.

23.03.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No