

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

300

CRM-M-49499 of 2019
Date of decision:29.11.2022

Paramvir Singh @ Poppy and another ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jasbir Singh Mohri, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Nagar Singh, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.110 dated 28.10.2019 registered for offences under Sections 323, 341, 354, 506, 34 of Indian Penal Code, 1860, at Police Station City Morinda, District Rupnagar (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 04.11.2019 (Annexure P-2).

Counsel for the petitioners submits that FIR (Annexure P-1) has been registered over a trivial dispute between the parties, which has been settled by compromise (Annexure P-2) and parties have appeared before the Trial Court in support of the compromise.

Upon instructions received from ASI Gurcharan Singh, State counsel submits that challan has not been presented.

Counsel representing the complainant-respondent No.2 and victim-respondent No.3 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 21.11.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for, on the following counts:-

- “i) Number of persons arrayed as accused in FIR;*
- ii) Whether any accused is Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Report has been received and its relevant extract is as under:-

“(i) There are two accused persons, namely, Paramvir Singh @ Poopy son of Didar Singh and Tarun Sharma son of late Krishan Lal Sharma.

(ii) No accused has ever been declared as proclaimed offender.

(iii) Challan is yet to be presented, however, investigation is complete.

(iv) The compromise appears to be genuine, voluntarily and without any coercion or undue influence.”

It is evident that dispute between the parties is private in nature and the allegations levelled do not have any adverse impact on the society.

Keeping in view the fact that matter has been amicably settled and the judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that continuation of the criminal proceedings would be an exercise in futility as the possibility of conviction is remote.

Accordingly, the petition is allowed. FIR No.110 dated 28.10.2019 registered for offences under Sections 323, 341, 354, 506, 34 of Indian Penal Code, 1860, at Police Station City Morinda, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

November 29, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes