

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(252)

CRM-M-1366-2023

Date of Decision: 13.03.2023

Harish Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sachin Ohri, Advocate, for the petitioners.

Mr. V. K. Gupta, AAG, Punjab.

Mr. Vishal Sharma, Advocate, for respondents No.2 to 5.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.52 dated 14.04.2022, registered under Sections 324, 323 and 34 IPC and Section 325 IPC (Added later on) registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 26.12.2022 (Annexure P-2).

2. As per the allegations levelled in the FIR, petitioners inflicted injuries to the complainant party due to some altercation, resulting into the registration of present FIR.

3. In pursuance to an order dated 11.01.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 03.03.2023 has been received from the concerned court, stating that the compromise between the complainant including injureds; Rampal, Ranju Bala, Shubham Kumar and Abhishek Singh

valid, genuine, voluntary and without any coercion or undue influence. It also finds mentioned that FIR has also been registered against 04 accused but statement to this effect has not been recorded of the accused namely Mukesh as he has not been arrayed as party in the petition. No accused has been declared as PO. There is no other criminal case pending against the petitioners.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 to 5 have no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayraj Singh Digvijay Singh Rana Vs. State of Gujarat and another, 2012(4) R.C.R.***

(Criminal) 589 and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the of FIR No.52 dated 14.04.2022, registered under Sections 324, 323 and 34 IPC and Section 325 IPC (Added later on) registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

8. The aforesaid order shall however, be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

Petition stands disposed of.

(HARKESH MANUJA)
JUDGE

13.03.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No