

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(262)

CRM-M-1469-2023 (O&M)
Date of Decision: 20.04.2023

Bhupinder Singh Chini @ Bhupinder Singh and others ...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J. S. Mahal, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. G. S. Randhawa, Advocate, for the respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.0030 dated 24.03.2021, registered under Sections 323, 324, 451, 506, 148, 149 IPC, 1860 and Sections 380, 326 IPC added lateron at Police Station Bhikhiwind, District Tarn taran (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 16.08.2022 (Annexure P-2).

2. As per the allegations levelled in the FIR, petitioners gave beatings to the complainant and inflicted injuries due to some altercation between them resulting into the registration of present FIR.

3. In pursuance to an order dated 12.01.2023 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 03.04.2023 has been received from the concerned court, stating that the compromise between the complainant-

Simranjit Singh and accused-petitioners is valid, genuine, voluntary and

without any coercion or undue influence. Though, originally 6 persons were named in the FIR, however, settlement has been arrived at between the petitioners who are 5 in number with the complainant, however, the 6th one is Samsher Singh who is living abroad. 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 has 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 petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayrajsingh Digvijaysingh 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 instant petition is disposed of and the FIR No.0030 dated 24.03.2021, registered under Sections 323, 324, 451, 506, 148, 149 IPC, 1860 and Sections 380, 326 IPC added lateron at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

8. Learned counsel for the petitioners very fairly submits that costs of Rs.5,000/- as directed by this Court vide order dated 09.03.2023 has not been deposited. Considering the facts and circumstances so stated by the learned counsel for the petitioners, he is directed to deposit the cumulative costs of Rs.30,000/- 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.

(HARKESH MANUJA)
JUDGE

20.04.2023
anil

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