

271 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-2685-2023
Date of Decision: 21.03.2023**

Sukhmander Singh

..... Petitioner

Versus

State of U.T. Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sarbuland Singh Mann, Advocate
 for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T., Chandigarh
for respondent No.1.

Ms. Anmol, Advocate
for respondents No.2 and 3.

HARSH BUNGER J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed seeking quashing of FIR No.134 dated 17.10.2022 (Annexure P-1), under Sections 279, 337 and 338 IPC, registered at Police Station Sector-26, East Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise dated 11.01.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 18.01.2023, passed by this Court, the trial Court/Illaq Magistrate was directed to record the statements of parties with regard to the compromise.

In compliance thereof, the Additional Chief Judicial

Magistrate, Chandigarh, vide letter dated 01.02.2023, has submitted a consolidated report, which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:

“ - x - x - x -

Now the point wise report is as under:

- 1. There is only person namely Sukhmander Singh arrayed as accused in the present FIR.*
- 2. The investigation is pending and challan is yet to be presented.*
- 3. Accused is not proclaimed offender.*
- 4. As per statement of accused himself and as per statement of IO, accused is not involved in any other FIR.*
- 5. All the concerned have signed the compromise deeds Ex.CA and Ex.CB.*
- 6. The compromise is genuine, voluntary and without any coercion or undue influence.*
- 7. As per statement of IO, there is one complainant and one injured in the present FIR.*

- x - x - x - ”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute regarding quashing of the FIR in question.

Learned counsel appearing for respondents No.2 and 3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

I have heard learned counsel for the parties and perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of "*Shakuntala Sawhney Vs. Kaushalya Sawhney*", 1979 (3) SCR 639 and "*Gian Singh Vs. State of Punjab and another*", 2012 (4) RCR (Criminal) 543, and also considering the entire facts, compromise arrived at between the parties, statements of the parties recorded before the Additional Chief Judicial Magistrate, Chandigarh, and also his report dated 01.02.2023, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the abovementioned judicial precedents, when the parties have entered into a compromise then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.134 dated 17.10.2022 (Annexure P-1), under Sections 279, 337 and 338 IPC, registered at Police Station Sector-26, East Chandigarh and all the

consequential proceedings arising therefrom are quashed qua the petitioner.

However, the same would be subject to payment of costs of Rs.10,000/- to

be deposited by the petitioner with the **“Poor Patients’ Welfare Fund,**

PGIMER, Chandigarh” and the said amount would be spent for the

treatment of poor patients within the knowledge of its Medical

Superintendent.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

21.03.2023

Apurva

(HARSH BUNGER)

JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No