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

**CRM-M-5131-2023(O&M)
Date of Decision: 20.03.2023**

BHUPENDER SINGH

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. C.S. Rana, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

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

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.367 dated 05.07.2022, under Sections 323 and 506 read with Section 34 of Indian Penal Code registered at Police Station Quilla Panipat, District Panipat (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 27.01.2023 (Annexure P-2) arrived at between the parties.

Status report by way of affidavit dated 17.03.2023 of Vijay Singh, HPS, Additional Superintendent of Police, Panipat has been filed on behalf of respondent/State of Haryana in the Court today. The same is taken on record, subject to all just exceptions.

Vide order dated 01.02.2023, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the

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genuineness and validity of the compromise.

In compliance thereof, the Judicial Magistrate First Class, Panipat has submitted its report, vide letter dated 01.03.2023 which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“I There is one person namely Bhupender Singh son of Tehal Singh arrayed as accused in the FIR in the present FIR.

II None of the accused has been declared as proclaimed offender.

III In the present case challan has already been filed in the court and is at the stage of supplying copy of challan to accused.

IV No accused has been involved in any other FIR

V No compromise deed has been placed on record in the court.

VI As per the statements made by the complainant party and accused, the compromise is genuine and voluntarily and out of free will of party.

V There is one complainant namely Nand Lal Dhingra and one injured namely Ankur Dhingra in the present FIR.”

A perusal of the said report would show that statements of all 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 was entered into voluntarily and without any pressure.

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

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Learned counsel for respondent Nos.2 and 3 has 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 the learned counsel for the parties and have perused the file.

In the light of the judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639* and *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and considering the entire facts, compromise, the statements of the parties recorded before the Judicial Magistrate First Class, Panipat and also the report dated 01.03.2023 submitted by Judicial Magistrate First Class, Panipat 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 above mentioned 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.

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Accordingly, this petition is allowed. FIR No.367 dated 05.07.2022, under Sections 323 and 506 read with Section 34 of Indian Penal Code registered at Police Station Quilla Panipat, District Panipat (Annexure P-1) and all the consequent 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 parties shall remain bound by the terms of compromise and their statements made in the Court below.

Disposed of in the aforesaid terms.

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

20.03.2023
Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No