

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

CRM-M-5415-2023

Date of Decision: March 17, 2023

VIPUL GARG AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vibhor Bansal, Advocate for petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Karanveer Singh, Advocate for respondents No.2-4.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner prays for quashing FIR No.0379, dated 05.12.2022, under Sections 323, 325, 341, 506 and 34 IPC registered at Police Station Dera Bassi, District SAS Nagar and Section 326 IPC added later on along with all consequential proceedings arising out of the same on the basis of compromise.

2. As per allegations levelled in the FIR, the petitioners gave beatings to the complainant which resulted in amputation of his tongue.

3. In pursuance to an order dated 20.02.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 01.03.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine voluntary, without any pressure or undue influence. There is no other accused except the present petitioners and there is one complainant namely Harpreet Singh along with two other injured persons namely Pawan Kumar and Mohammad Asif. No accused has been declared as proclaimed offender.

4. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2-4 have no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, 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 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 01.03.2023. 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 directions issued by this 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***”

7. 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 petition is allowed No.0379, dated 05.12.2022, under Sections 323, 325, 341, 506 and 34 IPC along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.20,000/- 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.

17.03.2023
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

