

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-6259-2020 (O&M)
 Date of Decision: 14.12.2023

SANJEEV KUMAR AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Singh Saini, Advocate for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Munish Raj Chaudhary, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 79 dated 04.05.2019, registered under Sections 323/324/341/307/506/148/149 of Indian Penal Code at Police Station City Ropar, District Ropar and all subsequent proceedings arising therefrom in view of the compromise dated 26.01.2020 (Annexure P-2).

2. The FIR has been registered on the statement of complainant- Parminder Singh-respondent No. 2 on the allegations that on 29.04.2019 at around 9.30 AM, when the complainant was going towards District Court Ropar on his motor cycle, there was traffic on road and on the way petitioners along with other persons stopped the complainant pulled the key of his motor cycle and inflicted injuries upon him. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes

and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 28.09.2022 has been received from Chief Judicial Magistrate, Rupnagar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. It has also been stated by the complainant/respondent No. 2 in his statement before the trial Court/Illaq Magistrate that he does not wish to compromise the matter with petitioner No. 1-Sanjeev Kumar.

4. Faced with the statement made by respondent No. 2/complainant, learned counsel for the petitioners pray for withdrawal of the petition qua petitioner No. 1-Sanjeev Kumar with liberty to approach this Court with fresh petition, in case, any compromise is effected between the petitioner No. 1 and respondent No. 2 in future.

5. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After

considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the submission made by learned counsel for the petitioners, present petition is dismissed as withdrawn qua petitioner No.1-Sanjeev Kumar with liberty to approach this Court with fresh petition, in case, any compromise is effected between the respondent No. 2/complainant and petitioner No. 1-Sanjeev Kumar in future.

9. Consequently, keeping in view the fact that the dispute has been amicably settled between the remaining petitioners and respondent No. 2/complainant and in view of the law laid down by the Hon'ble Supreme Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256***, ***Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589***, ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*** and ***Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052***, this petition is allowed and FIR No. 79 dated 04.05.2019, registered under Sections 323/324/341/307/506/148/149 of Indian Penal

Code at Police Station City Ropar, District Ropar and all subsequent proceedings arising out of the same are quashed qua the petitioners No. 2 to 5 only.

14.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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