

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

CRM-M-8142-2023(O&M)
Date of Decision: 11.04.2023

SUNIL KUMAR @ SHEELA AND OTHERS Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms.Swati Verma, Advocate
 for the petitioners.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1/State.

Ms. Prathula Sethi, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.18 dated 26.01.2023, under Sections 452, 323, 324, 148 and 149 of Indian Penal Code, 1860 registered at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.02.2023 (Annexure P-2), effected into between the parties.

Vide order dated 15.02.2023, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Additional Civil Judge (Senior Division), Cum-Sub Divisional Judicial Magistrate, Batala has submitted its report, vide letter dated 27.03.2023, 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, voluntary and without any coercion or undue influence.

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.

Learned counsel for respondent No.2 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 Additional Civil Judge (Senior Division), Cum-Sub Divisional Judicial Magistrate, Batala and also the report dated 27.03.2023 submitted by Additional Civil Judge (Senior Division), Cum-Sub Divisional Judicial Magistrate, Batala 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 petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.18 dated 26.01.2023, under Sections 452, 323, 324, 148 and 149 of Indian Penal Code, 1860 registered at Police Station City Batala, Police Batala, District Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom, are quashed qua the petitioners. However, the same would be subject to payment of costs of Rs.10,000/- each to be deposited by the petitioners 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.

11.04.2023

Amandeep

Whether speaking/reasoned:

Whether reportable:

(HARSH BUNGER)

JUDGE

Yes/No

Yes/No