

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

241

**CRM-M-11759-2017
Date of decision: 16.02.2023**

Gurdwinder Singh and anotherPetitioners

Versus

State of U.T., Chandigarh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.S. Randhawa, Advocate
for the petitioners.

Mr. J.S. Toor, APP, U.T., Chandigarh.

Mr. Rajeev Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.244 dated 26.06.2013 lodged under Sections 380, 452, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Sector 11, Chandigarh, and the consequential proceedings arising out of the same, on the basis of compromise dated 04.03.2017 (Annexure P-2) arrived at, between the parties.

Learned counsel for the petitioners submits that subsequent to the registration of the FIR in question the parties, who are neighbours, with the intervention of the respectables had entered into a compromise. He thus submits that in the circumstances, continuation of criminal proceedings qua the petitioners would be a futile exercise.

Learned counsel appearing for respondent No.2 does not dispute the submissions made by counsel opposite and he also does not oppose the quashing of the FIR in question qua the present petitioners

on the basis of the compromise arrived at between the parties.

Vide order dated 06.04.2017 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 17.04.2017 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Chandigarh, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

The Trial Court has annexed copies of the statements of the parties, alongwith its report.

Learned State counsel submits that though one more person Guramrinder Singh had also been arrayed as an accused in the FIR but he had since been declared a proclaimed offender. Learned State counsel has further submitted the FIR in question could be quashed qua the present petitioners as it was on account of a trivial dispute between the parties, who are neighbours, that the FIR in question came to be registered.

In view of the report of the learned Judicial Magistrate, Ist Class, Chandigarh and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs.***

State of Punjab and another, 2007(3) RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the present petitioners only.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

16.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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