

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

(264)

CRM-M-10205-2023

Date of Decision: 27.03.2023

Bhupinder Singh @ Billu**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA****Present: Mr. Chirag Wadhwa, Advocate, for the petitioner.****Mr. Sumit Jain, Addl. A. G. Haryana.****Mr. Ishaan Loomba, Advocate, for the respondents No.2 & 3.************HARKESH MANUJA, J.(ORAL)**

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.172 dated 04.05.2017, registered under Sections 148, 149, 323, 34, 506 IPC, 1860, at Police Station Butana, District Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 13.03.2023 (Annexure P-3).

2. As per the allegations levelled in the FIR, injuries have been inflicted upon the person of victim by the petitioner due to some altercation between them, resulting into the registration of the present FIR.

3. In pursuance to an order dated 27.02.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 06.03.2023 has been received from the concerned court, stating that the compromise between the complainant-Lakhwinder Singh and Parvinder Kaur and accused-Bhupinder Singh @ Billu is valid, genuine, voluntary and without any coercion or undue influence. In

the present case, originally the FIR has been registered against 6 persons including the petitioner. Against the two namely Harbhajan Singh and Khajan Singh, proceedings were dropped on account of their unfortunate demise and other two i.e. Dalip Kaur and Joginder Kaur were acquitted vide judgment dated 14.12.2022 passed by JMIC, Sohna. Petitioner and one Jaswinder Singh were declared as proclaimed offender. In pursuance to the order dated 27.02.2023 passed by this Court, the order dated 26.02.2019 whereby the petitioner was declared as proclaimed offender, was quashed and the petitioner was directed to appear before the trial Court/Illaq Magistrate for making statements as regards compromise dated 13.02.2023. Statement of Jaswinder Singh to this effect has not been recorded as he is still proclaimed offender. There is no other criminal case pending against the petitioner.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 & 3 have no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, 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. 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

direction issued by the 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.*

Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayra Singh Digvijay Singh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589* and this Court in *Joginder Singh & another Vs. State of Punjab and another*, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. 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 instant petition is allowed and the FIR No.172 dated 04.05.2017, registered under Sections 148, 149, 323, 34, 506 IPC, 1860, at Police Station Butana, District Karnal (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. The aforesaid order shall however, be subject to payment of costs of Rs.10,000/- 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.

(HARKESH MANUJA)
JUDGE

27.03.2023
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