

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

CRM-M-12493-2021
Date of Decision:-**24.02.2023**

LACHMAN SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Inderjeet Singh Chawla, Advocate
for the petitioners.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Mr. Monty Goyal, Advocate
for respondent Nos.2 to 5.

-.-

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of General Diary No.35 dated 13.10.2020 and FIR No.10 dated 11.01.2021 registered under Sections 308, 323, 34 IPC and General Diary No.41 dated 15.2.2021 under Section 325 IPC added later on at Police Station Sadar Fazilka District Fazilka on the basis of compromise dated 15.2.2021 (Annexure P-4) along with other consequential proceedings arising thereto.

The abovesaid criminal case was registered on the statement of complainant/respondent No.2-Baldev Singh against the petitioner.

On notice of motion, respondent Nos.2 to 5 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Additional Chief Judicial Magistrate, Fazilka along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. Further as the matter

has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and General Diary No.35 dated 13.10.2020 and FIR No.10 dated 11.01.2021 registered under Sections 308, 323, 34 IPC and General Diary No.41 dated 15.2.2021 under Section 325 IPC added later on at Police Station Sadar Fazilka District Fazilka on the basis of compromise dated 15.2.2021 (Annexure P-4) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

24.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No