

CRM-M-20413-2022

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2023:PHHC:145524

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265/3

CRM-M-20413-2022

Date of Decision: 15.11.2023

Harbhajan Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Vipin Mahajan, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No.16 dated 30.09.2013 (Annexure P-2) registered under Sections 326, 324, 323, 295-A, 354, 148 and 149 of IPC in case FIR No.97 dated 30.09.2013, registered under Sections 307, 323, 324 and 34 IPC, at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 13.03.2022 (Annexure P-3).

2. Learned counsel for the petitioners *inter alia* contends that there were four cases between the parties and they are family members and one FIR No.21 dated 03.04.2018 registered under Sections 326, 324, 323, 427, 447, 295, 148 and 149 IPC, at Police Station Ghuman, Police District Batala, District Gurdaspur had already been quashed on the basis of

compromise by this Court, vide order dated 29.09.2022 passed in **CRM-M-20175-2022** titled '**Harbhajan Singh and others Vs. State of Punjab and others**'.

3. In compliance of the order dated 24.08.2023 passed by this Court, the parties had appeared before the trial Court and recorded their statements qua the factum of compromise. The statement of the Investigating Officer has also been recorded. The report of the trial Court has been received in this regard, whereby, it has been stated that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned counsel for the complainant-respondents No.2 and 3 submits that he has no objection in case the FIR against the petitioners be quashed.

5. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 and 3 admit 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. In a decision, based on compromise, none of the parties is a loser. Rather, 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 fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **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 DDR No.16 dated 30.09.2013 (Annexure P-2) registered under Sections 326, 324, 323, 295-A, 354, 148 and 149 of IPC in case FIR No.97 dated 30.09.2013, registered under Sections 307, 323, 324 and 34 IPC, at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

15.11.2023

D.Bansal

**(HARPREET SINGH BRAR)
JUDGE**

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