

273

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

CRM-M-11342-2023

Date of Decision: 27.04.2023

Sunny Bansal

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

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

Mr. Vishavjeet Gill, Advocate for
Mr. Navkaran S. Sandhu, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.137 dated 06.12.2022 (Annexure P-1), registered under Sections 420 and 406 of the Indian Penal Code, 1860, registered at Police Station City Dhuri, District Sangrur, Punjab and all the consequential proceedings arising therefrom on the basis of compromise deed dated 28.02.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 03.03.2023 passed by this Court, 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 Sub-Divisional Judicial Magistrate, Dhuri has submitted a consolidated report vide letter dated 10.04.2023 which indicates that the parties appeared before the Sub-Divisional Judicial Magistrate, Dhuri 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 and with free will and consent. Relevant extract of the said report is reproduced as under:-

“5. Further Illaqa Magistrate is to submit a report containing the following information:-

(i) Number of persons arrayed as accused in the FIR:

As per the statement of IO ASI Pinjor Singh No. 1000/Sgr, there is only one accused namely Sunny Bansal son of Suresh Kumar Bansal resident of #633, ward no. 29, Sekha Wala Chowk, Moga, Tehsil & District Moga in the present FIR.

(ii) What is the status of the proceedings of the case/FIR:

The case is fixed for awaiting challan.

(iii) Whether any accused is declared proclaimed offender:

As per the statement of IO ASI Pinjor Singh No. 1000/Sgr neither any proclamation proceedings are pending against accused Sunny nor he has been declared PO by any Court of law.

(iv) Whether the accused persons are involved in any other case or not?

As per the statement of accused, no other complaint or case is pending between the present parties in any other Court of law.

As per the statement of IO ASI Pinjor Singh No. 1000/Sgr, no other FIR is pending against the accused.

(v) Whether all the concerned have signed the compromise deed:

Yes. All the concerned have signed the compromise Ex. CX placed on record.

(vi) Whether the compromise is genuine, voluntarily and without any coercion or undue influence;

From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.”

A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated

that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the concerned persons and would help in bringing out peace and amity between the parties.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639, 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 Sub-Divisional Judicial Magistrate, Dhuri, and also the report dated 10.04.2023 submitted by the Sub-Divisional Judicial Magistrate, Dhuri, 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 FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.137 dated 06.12.2022 (Annexure P-1), registered under Sections 420 and 406 of the Indian Penal Code, 1860, registered at Police Station City Dhuri, District Sangrur, Punjab and all the consequential proceedings arising therefrom, are quashed qua the petitioner. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner 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.

All pending application(s), if any, shall stand disposed of.

27.04.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No