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

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Date of Decision: 31.05.2023

Raj Kumar Gupta

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Nikhil Batta, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

None for respondents No.2 to 4.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 25.04.2018 (Annexure P-1), under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Sadar, Patiala, District Patiala and all the consequential proceedings arising therefrom on the basis of compromise deed dated 12.09.2018 (Annexure P-2) arrived at between the parties.

2. Vide order dated 20.04.2023 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.

3. In compliance thereof, the Additional Chief Judicial Magistrate, Patiala has submitted a consolidated report vide letter dated 20.05.2023 which indicates that the parties appeared before the Additional Chief Judicial Magistrate, Patiala 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:-

“i. There are three accused namely Raj Kumar Gupta, Chaman Lal and Sanjiv Kumar who have been arrayed as accused in the present FIR. Out of three accused, complainant/victims have already compromised the matter with two accused namely Chaman Lal and Sanjiv Kumar and FIR qua the said accused has already been quashed by the Hon'ble High Court.

ii. Challan in the present case has not yet been presented and the investigation is still in progress.

Iii As per statement of Investigating Officer, accused have not been declared as proclaimed offender in the present case.

iv. As per statement of Investigating Officer, the accused persons are not involved in any other case.

v. From the statement of complainant/victims it is found that all the concerned have signed the compromise deed.

vi. Ex-facie, it transpires from the statements of the parties (recorded in the court) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations among them and is without any fraud, misrepresentation, coercion or undue influence and is the result of the free will of the parties.

vii. As per statement of Investigating Officer, there are three victims/complainants namely Devender Singh, Pargat Singh and Gursewak Singh in the present FIR.”

4. A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the

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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.

5. Learned counsel for respondents No.2 to 4 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.

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

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

8. 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 Additional Chief Judicial Magistrate, Patiala, and also the report dated 20.05.2023 submitted by the Additional Chief Judicial Magistrate, Patiala, 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.

9. 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.

10. In order to prevent unnecessary continuation of criminal

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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.

11. Accordingly, this petition is allowed. FIR No.76 dated 25.04.2018 (Annexure P-1), under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Sadar, Patiala, District Patiala 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.

12. Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

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

31.05.2023
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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No