

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

(115+278)

CRM-M-13634-2023 (O&M)
Date of Decision: 25.05.2023

Sarabjit Singh @ Kali and Anr.

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Rashika Bansal, Advocate, for
Mr. Dheeraj Mahajan, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Nimish Gautam, Advocate, for
Mr. Bhim Singh, Advocate, for respondents No.2 to 5.

HARKESH MANUJA, J.(ORAL)

(1) By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.82 dated 27.10.2020, registered under Sections 323, 324 and 326, 34 of IPC registered at Police Station Bholath District Kapurthala (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 02.01.2023 (Annexure P-2).

(2) In compliance of the order dated 21.04.2023, amended petition incorporating Section 326 IPC has been filed. The same is taken on record.

(3) In the present case, petitioners gave beatings and inflicted injuries upon the victim/complainant parties resulting into registration of the present FIR.

(4). In pursuance to an order dated 17.03.2022 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 compromise arrived at between them, report dated 25.04.2023 has been received in the connected matter from the concerned court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other accused except the present petitioners and though the FIR was registered at the instance of respondent No.2-complainant namely Joginder Pal, three other injured have also been impleaded as respondents No.3 to 5. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 to 5 have no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioners, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that 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. On the other hand learned State counsel submits that injuries have been inflicted upon the person of victim.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully 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 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.*

7.

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 judgment, the instant petition is disposed of and FIR No.82 dated 27.10.2020, registered under Sections 323, 324 and 326, 34 of IPC registered at Police Station Bholath District Kapurthala (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.
8.

The aforesaid order shall however, be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners 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.
9.

Pending applications, if any, shall disposed of.

(HARKESH MANUJA)

JUDGE

25.05.2023

anil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No