

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14403-2023 (O&M)
Date of Decision: July 06, 2023

Gursewak Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: - Mr.Shivoy Dhir, Advocate for the petitioner.

Mr.Digvijay Nagpal, AAG, Punjab for respondent No.1.

Ms.Anmol Kanwal, Advocate for respondents No.2 and 3.

VIKAS SURI, J.

1. By filing the instant petition, preferred under Section 482 Cr.P.C. quashing of FIR No.21 dated 22.04.2022 under Section 323, 324, 427 & 506 IPC, Police Station Morinda, District Roopnagar (Annexure P-1), is sought on the basis of compromise.

2. Vide order dated 21.03.2023, the parties were directed to appear before the trial Court for recording of their statements and the trial Court was to send its report, inter-alia, regarding genuineness of the compromise.

3. The trial Court's report dated 04.07.2023 has been received, wherein, the compromise is reported to be a result of mutual understanding of both the parties, without any pressure or coercion.

4. Affidavit of complainant-Tejinder Singh to the effect that he does not want to take any action against Gursewak Singh @ Jassi (petitioner), is already on record as Annexure P-4.

5. In ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052***, a Full Bench of this Court has held that under Section 482 Cr.P.C. High Court has power to allow compounding of non-compoundable offence and also to quash the prosecution where it is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

6. Similarly, the Apex Court in ***Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543*** has observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be exercised by the High Court to quash criminal proceedings in which a compromise has been effected.

7. Further, the law laid down in **Gian Singh's case** was reiterated by the Apex Court in ***Jasmair Singh & another vs. State of Haryana and another, 2022(9) SCC 73***, wherein, the FIR and proceedings pursuant thereto were quashed considering the fact that the parties had buried the hatchet and decided to give quietus to the proceedings.

8. 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.

9. In view of above, this petition is allowed. Resultantly, FIR No.21 dated 22.04.2022 under Section 323, 324, 427 & 506 IPC, Police Station Morinda, District Roopnagar and all other subsequent proceedings arising therefrom are hereby quashed.

July 06, 2023

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(VIKAS SURI)
JUDGE

Whether Speaking / Reasoned : Yes/No

Whether Reportable : Yes/No