

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

CRM-M-17696-2022

Date of Decision: April 29, 2023

KULWINDER SINGH ALIAS KINDU PRADHAN AND ORS

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate and
Mr. Sunil Doda, Advocate for petitioners.
Mr. Amit Shukla, AAG, Punjab.
Mr. S.S. Aviraj, Advocate for respondents No.2-7.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing of case FIR No.38 dated 24.06.2018 registered under Sections 307, 353, 186, 427, 148 and 149 IPC at P.S. Balianwali, District Bathinda, along with all consequential proceedings arising out of the same on the basis of compromise 23.11.2021(P-2).

2. As per allegations levelled in the FIR, the petitioners encircled the complainants-respondents No.2-7, damaged their vehicles and manhandled them. Although, Sections 307, 353 and 186 IPC also form part of FIR, however, as per the opinion given by the Doctor all the injuries have found to be simple in nature, further as regards Sections 186 & 353 IPC, it has been pointed out that incident took place on account of reasonable doubt about the identity of the Police party which admittedly reached the place of occurrence on two private vehicles being driven by two private drivers, accordingly the commission of offense under Sections 307, 353 and 186 IPC becomes debatable. To cap it all, the petitioners have already tendered their apologies to the Police party and have entered into a settlement with

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the injured as well who have been arrayed as respondents No.2 and 3.

3. In pursuance to an order dated 28.04.2022 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 04.08.2022 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary. There are total seven accused. No accused has been declared as proclaimed offender.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2-7 have no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, 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 allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 04.08.2022. The

parties having settled their dispute so as to live in peace 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 even found to be fully in consonance with the directions issued by this 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 judgments, the petition is allowed and FIR No.38 dated 24.06.2018 registered under Sections 307, 353, 186, 427, 148 and 149 IPC along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.20,000/- to be deposited with High Court State Legal Services Authority, Chandigarh within a period of two weeks from today.

29.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No