

CRM-M-17427-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 31.08.2023

Gurbinder Singh Dhillon

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sangram S. Saron, Advocate with
Mr. M.B. Rajwade, Advocate for the petitioner.

Mr. Madhu Sharma, AAG Punjab.

Mr. Rohit Sud, Advocate with
Mr. Akhil Aggarwal and MS. Kuljeet Kaur Advocates
for respondent No.2.

ARUN MONGA, J. (Oral)

Petitioner seeks quashing of FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 IPC and Final Report dated 22.11.2018 (Annexure P-6) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, at Police Station Kotbhai, District Shri Muktsar Sahib and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-9), which is stated to have been effected between the parties.

2. Short reply dated 07.07.2023 by way of affidavit of Jasbir Singh, Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib has been filed. Para Nos. 11 and 12 of the said affidavit reads as under:

“11. That now statement of Krishan Kumar, Retired Inspector no.188/FDK son of Babu Ram, resident of Guru Teg Bahadur Nagar, Ward no.2, Gidderbaha has been recorded by the deponent on 28.06.2023 in connection with the present case and he stated that the present case was got registered by him. He further stated that he has been retired from Punjab Police on 31.05.2020 and it is residing in Gidderbaha. He further stated that accused Hardeep Singh and others also resident of Gidderbaha and is one of the respectable person of

Gidderbaha, so oftenly they met each other. He further stated that now he want to forget the incident of 25.12.2017 and want to life peacefully..Krishan Kumar further stated that now his compromise has been affected in the presence of respectable persons and he is satisfied on the said compromise, so he does not want to proceed further against the petitioner and his co-accused for such altercation. He further stated that he has no objection if the present FIR is quashed by the Hon'ble High Court.

12. *That respondent no.2 Krishan Kumar raised No Objection to quash the present FIR. Apart from this, he further stated that he wants to lead his retired life peacefully and amicably so he does not want to proceed further in view of the compromise affected between respondent no.2 and petitioner and his co-accused."*

3. According to aforesaid reply, statements of complainant party i.e., respondent No.2 as also of accused/present petitioner herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. It is apparent that the complainant/respondent No.2 and accused/petitioner herein, have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondent No.2 states that he would have no objection to the quashing of FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled "***Ramgopal and anr. V. The State of Madhya Pradesh***"¹ and a Full Bench decision of this Court in "***Kulwinder Singh and others V. State of Punjab and others***"².

6. In the premise, it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

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7. Petition is thus allowed. FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 IPC and Final Report dated 22.11.2018 (Annexure P-6) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, at Police Station Kotbhai, District Shri Muktsar Sahib and all subsequent proceedings emanating therefrom, stand quashed.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No