

CRM-M-18865-2023

2023:PHHC:073287

--1--

283 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18865-2023

DATE OF DECISION:-18.05.2023

Darshan Singh and others

...Petitioners.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Judgepreet Singh Warring, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab

Mr. Saleem Akhtar, Advocate for
Mr. Jitender Malik, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J.

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.0037, dated 14.06.2022, under Sections 324, 323, 34 IPC (Sections 325, 326 IPC added later on), registered at Police Station Nandgarh, District Bathinda (Annexure P-1) alongwith all the subsequent proceedings arising therefrom, on the basis of compromise dated 17.03.2023 (Annexure P-4).

2. As per the allegations levelled in the FIR, petitioners inflicted injuries to the complainant-respondent No.2 as well as his wife i.e. respondent No.3 with their respective weapons. Though, FIR in the present case was registered against 5 persons, however, the present petition has been filed only on behalf of 3 accused i.e. the present petitioners.

3. In pursuance to order dated 18.04.2023 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, a report dated 06.05.2023 has been received from the concerned court, stating that the compromise between the parties is genuine, voluntarily and without any coercion or undue influence. None of the petitioners has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, 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. 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 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.***

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh***

Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589 and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in ***CRM-M- 37395-2016*** decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in ***CRMM-20355-2022***, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

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 FIR No.0037, dated 14.06.2022, under Sections 324, 323, 34 IPC (Sections 325, 326 IPC added later on), registered at Police Station Nandgarh, District Bathinda (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of two weeks from today.

18.05.2023

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No