IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

119-2

CRM-M-19474-2023
Date of decision: 23.11.2023

DAVINDER SINGH & ANOTHER

....Petitioners

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manipal S. Yadav, Advocate for
Mr. Sunny. K. Singla, Advocate
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Shiv Kumar Sharma, Advocate for the respondent No.2

KULDEEP TIWARI. J.(Oral)

The instant petition filed under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.67 dated 03.08.2012, under Sections 420 and 406 of IPC, registered at Police Station Amargarh, Tehsil Malerkotla, District Sangrur, along with all the consequential proceedings arising therefrom, on the basis of a compromise dated 08.04.2023 (Annexure P-2), as entered *inter se* the petitioners and the respondent No.2/complainant.

2. Learned counsel for respondent No.2 submits that he has already filed the *Power of Attorney* in the other matter and he has instructions to appear in this matter also. Learned counsel for the respondent No.2 further submits that he has been imparted instructions by the complainant that he has no objection, in case the instant FIR is quashed.

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3. Upon an affirmative response from the learned counsel for the respondent No.2/complainant qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 07.08.2023, upon the instant petition, directed the parties to appear before the trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaqa Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (supra), the parties appeared before the Judicial Magistrate First Class, Malerkotla and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.661 dated 21.10.2023 has been received from the Judicial Magistrate First Class, Malerkotla, wherein, a satisfaction has been recorded by the Judicial Magistrate First Class, Malerkotla qua the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

5. I have heard counsel for the parties and gone through the case file.

6. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **"Abhishek Singh & others V/s State of Punjab & others"**, **Pronounced on: 07.04.2022,** while granting a similar relief, as craved in the instant petition, has observed as under:-

> *"9. The following aspects would be relevant to conclude this petition:-*
> *a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*
> *b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*

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c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice."

7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused has been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052,*** the present petition for quashing the FIR (supra) is hereby allowed.

8. Resultantly, FIR No.67 dated 03.08.2012, under Sections 420 and 406 of IPC, registered at Police Station Amargarh, Tehsil Malerkotla, District Sangrur, along with all the consequential proceedings arising therefrom, are hereby quashed, on the basis of the compromise dated 08.04.2023 (Annexure P-2).

(KULDEEP TIWARI)
JUDGE

23.11.2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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