

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

273

CRM-M-20497-2023

Date of Decision: 15.11.2023

Rozi and others

..... **Petitioners**

Versus

State of Punjab and others

..... **Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sachin Gupta, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Sachin Ohri, Advocate for respondent No.2.

HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of GD No.34 dated 13.05.2021 (Annexure P-1) registered under Sections 452, 324, 323, 506, 427, 436, 148 and 149 of IPC (Section 326 IPC added later on) in case FIR No.83 dated 12.05.2021, at Police Station Dinanagar, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom in view of the compromise dated 26.12.2022 (Annexure P-3).

2. In compliance of the order dated 26.04.2023 passed by this Court, the parties had appeared before the trial Court and recorded their statements qua the factum of compromise. The report of the Judicial Magistrate Ist Class, Gurdaspur dated 01.07.2023 indicates that petitioners No.3, 8, 13, 15, 19, 20 and 28 namely, Rahul, Sukhwinder Kumar @ Munna, Sanju, Sahil Kumar @ Shalli, Rajan Kumar, Champa Devi @ Gejjo, Amrik @ Soni and respondents No.3 and 4 namely, Sukhdeep and

Pooja Rani have not appeared before the learned JMIC, Gurdaspur for recording their statements regarding the compromise. In the said report, it has been stated that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

3. Learned counsel for the petitioners contends that it is a case of version and cross-version between the co-villagers. Both the parties are resident of the same village and with the intervention of respectables of the Society, they had amicably settled their dispute and respondent No.2 namely, Sona along with others have approached this Court by filing CRM-M-13652-2023 seeking quashing of the FIR No.0083 dated 12.05.2021 registered under Sections 324, 323, 452, 148 and 149 IPC, at Police Station Dinanagar, District Gurdaspur, on the basis of compromise and this Court, vide order dated 04.07.2023 allowed the aforementioned petition and quashed the FIR in question on the basis of compromise. The statement of respondent No.2-Sona who is the complainant in the cross-version, has also been recorded before the learned JMIC, Gurdaspur endorsing the factum of the compromise.

4. Learned counsel for respondent No.2 submits that he has no objection in case the FIR against all the petitioners be quashed.

5. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. 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. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and GD No.34 dated 13.05.2021 (Annexure P-1) registered under Sections 452, 324, 323, 506, 427, 436, 148 and 149 of IPC in case FIR No.83 dated 12.05.2021, at Police Station Dinanagar, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

15.11.2023

D.Bansal

**(HARPREET SINGH BRAR)
JUDGE**

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