

CRM-M-21189-2023(O&M)

2023:PHHC:163417

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262+120

CRM-M-21189-2023(O&M)

Date of Decision : December 19, 2023

SURINDER SINGH

.....Petitioner

VERSUS

STATE OF UT CHANDIGARH AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sumit Kalyan, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. PP for UT, Chandigarh.

Mr. Sudesh Kumar Khurcha, Advocate
for respondent No.2.

Mr. Akash Khurcha, Advocate
for respondent No.3.

KULDEEP TIWARI. J.(Oral)

CRM-47755-2023

1. The instant application has been filed for placing on record annexures P-1 to P-4 with regard to correct address of respondent No.3.

2. The present application has been rendered infructuous as counsel for the respondent No.3 has already put in appearance today.

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3. The instant petition, as cast 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.415 dated 24.11.2017, under Sections 279, 337 IPC (Section 338 IPC of the IPC added lateron),

registered at P.S. Sector-36, Chandigarh and all consequential proceedings arising therefrom, on the basis of a compromise deed (Annexure P-2), as entered into inter se the petitioners and respondent No.3/complainant.

4. Upon an affirmative response from the learned counsel for respondent No.2/injured qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 28.4.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (supra), the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh 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.215 dated 6.5.2023 has been received from the learned Judicial Magistrate 1st Class, Chandigarh, wherein, a satisfaction has been recorded by the Magistrate concerned qua the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

6. Today, Mr. Akash Khurcha, Advocate has caused appearance

on behalf of respondent No.3 and submits that he has no objection in case the FIR (supra) is quashed. He has filed affidavit duly sworn by respondent No.3-complainant in this regard.

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

8. 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;

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.”

9. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have 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, others Vs. State of Punjab 2007 (3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

10. Resultantly, FIR No.415 dated 24.11.2017, under Sections 279, 337 IPC (Section 338 IPC of the IPC added lateron), registered at P.S. Sector-36, Chandigarh and all consequential proceedings arising therefrom, on the basis of a compromise (Annexure P-2) is quashed.

11. All the pending applications, if any, stand disposed of.

(KULDEEP TIWARI)
JUDGE

December 19, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No