

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22357-2023
Date of decision: 16.12.2023

RAHUL SHARMA

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Ms. Navreet Kaur Barnala, AAG Punjab.

Mr. Kuldeep Singh Saini, Advocate for
Mr. Narinder Saini, Advocate for respondent Nos.2 to 5.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.83 dated 21.04.2022 registered under Sections 323/342/324/379/506/148/149 of Indian Penal Code (Sections 307 and 427 of Indian Penal Code (added later on) at Police Station Kharar, District SAS Nagar and all subsequent proceedings arising therefrom in view of the compromise dated 15.10.2022 (Annexure P-8).

2. The FIR registered on the statement of complainant- respondent No. 2 on the allegations that on 20.04.2022, he along with respondent Nos.3 to 5 were coming from village Massupur and that when they reached near Dhabas at about 3:00 PM in the noon, two cars and one open jeep came in which, 10-12 boys were sitting. They all came out of their respective vehicles and gave beatings to the respondents and snatched their cash and valuable material and fled away from the spot.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Kharar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for respondent Nos.2 to 5 admitted the factum of compromise and submitted 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.

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

6. The parties have arrived at a compromise and settled their dispute. 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.....”

7. 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 *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256 and Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589, 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 FIR No.83 dated 21.04.2022 registered under Sections 323/342/324/379/506/148/149 of Indian Penal Code (Sections 307 and 427 of Indian Penal Coded added later on) at Police Station Kharar, District SAS Nagar and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

December 16, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |