

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

CRM-M- 24328 -2023

Date of Decision: November 28, 2023

HARMESH KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Navjot Kaur, Advocate for Mr. Gautam Thapar,
Advocate for the petitioners.
Mr. Madhur Sharma, AAG, Punjab.
Mr. A.S. Khinda, Advocate for respondents No.2 -4.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR bearing No.238 dated 30.11.20214 under Sections 323, 324, 34 IPC and Sections 325 and 326 IPC added subsequently at P.S. Division No.6, Jalandhar District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 03.05.2023.

2. The FIR has been registered on the statement of complainants namely Balvir Kumar, Davinder Mahey and Bhushan Son on the allegations that the accused-petitioner gave beatings to them and also inflicted injuries with datar. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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 Chief Judicial Magistrate, Jalandhar 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 Investigating Officer and learned counsel for respondents No.2-4 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.

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

6. 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.....”

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 **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 bearing No.238 dated 30.11.20214 under Sections 323, 324, 34 IPC and Sections 325 and 326 IPC added subsequently at P.S. Division No.6, Jalandhar District Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

28.11.2023
tejwinder

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No