

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-16737-2023 in CRM-M-29575-2021****Date of Decision: April 20, 2023****AMRIT SINGH AND ANR****..... Petitioners****Versus****STATE OF PUNJAB AND ANR****..... Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Ritesh Aggarwal, Advocate for petitioners.
Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.
Mr. Pankaj Bains, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)**CRM-16737-2023**

By way of present application, prayer has been made for preponement of date of hearing from 09.05.2023 to an early date.

Notice of application to non-applicants/respondents.

Mr. Tarun Aggarwal, Sr. D.A.G. Punjab who is present in Court accepts notice on behalf of respondent-State whereas Mr. Pankaj Bains, Advocate accepts notice on behalf of respondent No.2.

I have heard learned counsel for parties and gone through contents of application, prayer needs to be granted as the wife of petitioner No.1 is on her family way and is away to U.K. whereas the petitioner No.1 intends to visit her.

In view thereof, prayer made in the application is allowed, date of hearing is preponed from 09.05.2023 and matter is taken up for hearing today itself.

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By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.38, dated 06.07.2010, under Sections

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323, 324, 341, 506, 148 and 149 IPC to which Section 326 of Indian Penal Code was added vide DDR No.16 dated 10.07.2010 registered at Police Station Mehtiana, District Hoshiarpur along with all consequential proceedings arising out of the same on the basis of compromise (P-5).

2. As per allegations levelled in the FIR, the petitioners along with another person attacked the complainant with datar and threatened to kill him. Though, at the time of registration of FIR, it was recorded against unknown persons, however, during investigation names of petitioners cropped up.

3. In pursuance to an order dated 29.07.2021 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 12.08.2021 has been received from the concerned Court, stating that the compromise in the present case is genuine voluntary, without any pressure or undue influence. There is no other accused except the present petitioners and there is one complainant namely Palwinder Singh. No accused has been declared as proclaimed offender.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no

societal interest involved, it would be appropriate to render complete

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quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 12.08.2021. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***”

7. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.38, dated 06.07.2010, under Sections 323, 324, 341, 506, 148 and 149 IPC to which Section 326 of Indian Penal Code was added vide DDR No.16 dated 10.07.2010 along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.15,000/- to be deposited with the Punjab and Haryana High

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Court Association Lawyer’s Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

20.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>