

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

CRM-M-25898-2019 (O&M)

Date of Decision:-**09.02.2023**

MANJIT SINGH @ BUTA SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Judgepreet Singh Warring, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Paramdeep Singh, Advocate for
Mr. G.S. Khokhar, Advocate
for respondent Nos.2 and 3.

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KARAMJIT SINGH, J. (Oral)

CRM-5492-2023

In view of the reasons mentioned in the application, the same is allowed and death certificate (Annexure P-4) is ordered to be taken on record subject to all just exceptions.

Main Case

Present petition is for quashing of FIR No.79 dated 14.7.2016 registered under Sections 341, 323, 324, 148, 149, IPC at Police Station Sangat, District Bathinda on the basis of compromise (Annexure P-2) along with other consequential proceedings arising thereto.

The abovesaid FIR was registered on the basis of statement of complainant-Gurdeep Singh (since died) against the petitioners and respondents No.2 and 3 are his sons and the copy of the death certificate of the complainant is Annexure P-4.

On notice of motion, respondent Nos.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate Ist Class, Bathinda along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and

enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.79 dated 14.7.2016 registered under Sections 341, 323, 324, 148, 149, IPC at Police Station Sangat, District Bathinda on the basis of compromise (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

(**KARAMJIT SINGH**)
JUDGE

09.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No