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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28774-2023 (O&M)

Date of decision: 14.09.2023

Kulwinder Singh and another

...Petitioners

VS

Surjan Singh (deceased) through his LRs.

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Vipan Kumar Sharma, Advocate,
for the petitioners.Mr.Arun Sharma, Advocate for
Mr.Ravi Malhotra, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of order dated 05.11.2022 whereby the petitioners have been summoned to face trial and complaint/SC No.49 of 2022, under Sections 3(i)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 7 of Protection of Civil Rights Act, 1955 and Sections 323/34 of IPC, along with all consequential proceedings arising therefrom, on the basis of compromise dated 29.05.2023 (Annexure P-4) effected between the parties.

2. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide order dated 01.06.2023 had directed the private parties to appear before the *Illaq*a Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 18.07.2023 of learned Additional District and Sessions Judge, Kapurthala, had been received. Report reveals that statements of complainant party i.e. the respondent as also of accused/present petitioners herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the

complainant/respondent and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondent states that he would have no objection to the quashing of FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled “*Ramgopal and anr. V. The State of Madhya Pradesh*”¹ and a Full Bench decision of this Court in “*Kulwinder Singh and others V. State of Punjab and others*”².

6. In the premise it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

7. Petition is thus allowed. Order dated 05.11.2022 Annexure P-3 is set aside and Complaint/SC No.49 of 2022 Annexure P-1, filed under Sections 3(i)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 7 of Protection of Civil Rights Act, 1955 and Sections 323/34 of IPC, and all proceedings emanating there from *qua* the petitioners stand quashed.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

14.09.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

2007 (3) RCR (Criminal) 1052