

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 16.08.2023

202 (1)

CRM-M-30834-2022

Gurpreet Singh @ Mona and others

...Petitioners

Versus

State of Punjab and another

...Respondents

202 (2)

CRM-M-31385-2022

Manak Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Priyanshu Kamra, Advocate,
for the petitioners in CRM-M-30834-2022 &
for respondent Nos.2 and 3 in CRM-M-31385-2022.

Mr. Pankaj Garg, Advocate
for the petitioners in CRM-M-31385-2022 &
for respondent Nos.2 to 4 in CRM-M-30834-2022.

Mr. Digvijay Nagpal, AAG, Punjab
for respondent No.1-State.

VIKAS SURI, J.

1. Both these petitions under Section 482 Cr.P.C., having arisen from the same incident being version and cross-version, are being disposed of by this common order for the sake of convenience of reference and brevity.

2. Prayer in these petitions is for quashing of FIR No.61 dated 19.07.2021, under Sections 325, 323, 34 IPC and DDR No.37 dated 12.07.2021, under Sections 325, 323, 34 IPC, registered at Police Station

Sadar Abohar, District Fazilka, alongwith all subsequent proceedings arising therefrom, in view of compromise dated 17.05.2022 (Annexure P-2).

3. Learned counsel for the respective parties submitted that the parties have entered into a compromise (Annexure P-2) and they do not wish to pursue the aforesaid version and cross-version cases and have no objection if the same are quashed against them *vice-versa*.

4. This Court, after issuance of notice of motion in these petitions, directed the parties to appear before the trial Court to get their statements recorded and Court below was directed to satisfy itself about the genuineness of the compromise.

5. In pursuance thereto, separate reports have been transmitted by the learned Judicial Magistrate Ist Class, Abohar, in the cases in hand, wherein it is reported that the compromise entered into between the parties is genuine, voluntary, out of their own free will and consent; and without any threat or pressure or undue influence.

6. Though, no fromal reply has been filed by the State, however, learned State counsel does not seriously oppose the prayer being granted in view of the facts and circumstances of the case.

7. Heard learned counsel for the parties.

8. In ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052***, a Full Bench of this Court has held that under Section 482 Cr.P.C., High Court has power to allow compounding of non-compoundable offence and also to quash the prosecution where it is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

9. Similarly, the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543* has observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by the High Court to quash criminal proceedings in which a compromise has been effected.

10. Further, the law laid down in *Gian Singh's* case (supra) was reiterated by the Hon'ble Supreme Court in *Jasmair Singh & another vs. State of Haryana and another, (2022) 9 SCC 73*, wherein, the FIR and proceedings pursuant thereto were quashed considering the fact that the parties had buried the hatchet and decided to give quietus to the proceedings.

11. 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.

12. In view of above, both these petitions are allowed. Resultantly, FIR No.61 dated 19.07.2021, under Sections 325, 323, 34 IPC and DDR No.37 dated 12.07.2021, under Sections 325, 323, 34 IPC, registered at Police Station Sadar Abohar, District Fazilka alongwith all subsequent proceedings arising therefrom are hereby quashed.

August 16, 2023
Harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No