

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

CRM-M-34501-2021

Date of Decision: January 23, 2023

LOVELY @ NISHAN SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Kuldeep Sheoran, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. prayer is for quashing of FIR No.52 dated 28.06.2016 under Sections 323, 506, 148, 149 of IPC and under Section 25/27 of Arms Act, registered at Police Station Mehna, District Moga (P-1) along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 27.04.2021 (P-2).

2. As per the allegations levelled in the FIR, the petitioner along with 5 other persons gave beating to the complainant.

3. In pursuance to an order dated 12.11.2021 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 12.11.2021 has been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence. There is no other accused except the present petitioner

and he has never been declared as proclaimed offender.

4. Learned counsel for the petitioner 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 petitioner; 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 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 12.11.2021. 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. FIR No. 52 dated 28.06.2016 under Sections 323, 506, 148, 149 of IPC and under Section 25/27 of Arms Act, registered at Police Station Mehna, District Moga (P-1) along with all the subsequent proceedings arising therefrom, are hereby quashed, subject to deposit of a sum of Rs.10,000/- by the petitioners within a period of two weeks from today in the following account:-

Account name: Punjab and Haryana High Court
Association Lawyer’s Welfare Fund
Account No: 41564846387
Bank Name: S.B.I. High Court Branch.

23.01.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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