

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29831-2023

Date of decision:-13.12.2023

Satyaparkash

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Amit Arora, Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

Mr.Mikhail Kad, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0078 dated 17.07.2014, under Section 420 IPC, registered at Police Station Bareta, District Mansa, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 02.06.2023 Annexure P2, arrived at between the parties.

2. Counsel for the petitioner submits that the FIR is an outcome of financial dispute, which has been amicably settled between the parties and the petitioner has paid a sum of Rs.3 lakhs in settlement.

3. Counsel for the respondent No.2/complainant has admitted the factum of compromise.

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4. Heard counsel for the parties.

5. Pursuant to order dated 03.07.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(i) As per statement of complainant, accused and IO of the case, there is only one accused namely Satya Parkash arrayed as accused in the present FIR and accused person has not been declared proclaimed offender in the present case.

(ii) Further as per the statement of complainant and I.O. there is only one complainant and injured /aggrieved namely Vikas Goyal.

(iii) Further, as per statements of complainant, accused and I.O., challan has not been presented against accused Satya Parkash.

(iv) From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably. Compromise is genuine, without any kindly (sic kind) of undue influence or pressure and out of free will of the parties.

(v) Further, as per statement of I.O., present accused person is not involved in another case/FIR. ”

6. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3)***

RCR (Criminal) 1052, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.0078 dated 17.07.2014, under Section 420 IPC, registered at Police Station Bareta, District Mansa, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

13.12.2023
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No