

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

CRM-M-35832-2021

Date of Decision: March 28, 2023

GURPARKASH SINGH @ SUNNY AND ORS Petitioners
Versus
STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Angel Walia, Advocate for petitioners.
Mr. Vinay Kumar Gupta, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.97, dated 07.07.2021 under Sections 452, 323, 336, 506, 148 and 149 IPC and Section 25 and 27 of Arms Act 1959 registered at Police Station C-Division, Amritsar (P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 09.07.2021 (P-2).

2. As per allegations levelled in the FIR, the petitioners armed with sword forcibly entered the house of respondents No.2 and 3 and gave beatings to them.

3. In pursuance to an order dated 27.01.2023 passed by this Court whereby, the parties were directed to appear before trial Court including the other injured who has been impleaded as respondent No.3 for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 27.02.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine, voluntary, without any pressure or undue influence. There are six accused in total and two complainants namely Kulbir Singh and Sukhpreet Singh. No accused has been declared as

proclaimed offender.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; 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 27.02.2023. 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 and the better future of the young boys and their generations to come so as to minimize the inimical attitude towards each other, the petition is allowed and FIR No.97, dated 07.07.2021 under Sections 452, 323, 336, 506, 148 and 149 IPC and Section 25 and 27 of Arms Act 1959 along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.25,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

28.03.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>