

CRM-M-39269-2021 (O&M)

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237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39269-2021 (O&M)
DATE OF DECISION:-01.05.2023

Gaurav and another

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. V.K. Gupta, AAG, Punjab.

Mr. Vishal Munjal, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.134, dated 26.07.2016, under Sections 379, 482 IPC (Section 411 IPC added later on), registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 28.08.2021 (Annexure P-3).

2. As per the allegations in the FIR, the petitioners were using the Activa Scooter of the complainant by affixing the fake number plate.

3. In pursuance to order dated 21.09.2021 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 16.11.2011 has been received from the

concerned court, stating that the parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one. No accused has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, 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. 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 direction issued by the 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.***

6. 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 FIR No.134, dated 26.07.2016, under Sections 379, 482 IPC (Section 411 IPC added later on), registered at

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Police Station Mukerian, District Hoshiarpur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- 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.

01.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No