

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

CRM-M-37319-2022

Date of Decision: 04.08.2023

SANJEEV KUMAR

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: Ms. Priya Singla, Legal Aid Counsel for the petitioner.

Mr. Harpeet Singh, Addl. AG, Punjab.

Mr. Rupinder Singh Rao, Advocate for respondent No.2.

SANJIV BERRY, J. (Oral)

This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 0096 dated 23.05.2022 under Sections 308 and 323, IPC, read with Section 3(1) of SCs & STs Act, 1989, registered at Police Station City 1 Mansa, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 20.06.2022 (Annexure P-2 & P-3) executed between the parties.

[2]. The parties have arrived at a settlement vide compromise dated 20.06.2022 (Annexure P-2 & P-3), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Chief Judicial Magistrate, Mansa, vide report dated 20.02.2023, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3] Learned State counsel submits that as per the reply filed in the form of affidavit of Deputy Superintendent of Police, Sub-Division, Mansa, District Mansa, dated 11.01.2023, Section 308 IPC was deleted vide DDR No. 33 dated 22.07.2022, from the aforesaid FIR (Annexure P-1).

[4]. Respondent No. 2 is represented by the counsel and does not oppose the compromise.

[5]. In view of the report of the Chief Judicial Magistrate, Mansa, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner.

[5]. In the circumstances, the present petition is allowed. FIR No.0096 dated 23.05.2022 under Sections 308 and 323, IPC, read with Section 3(1) of SCs & STs Act, 1989, registered at Police Station City 1 Mansa, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise *qua* the present petitioner.

(SANJIV BERRY)
(JUDGE)

04.08.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No