

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112+222)

CRM-M-42328-2021(O&M)

Date of Decision: 03.03.2023

Nishan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B. S. Jaswal, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Karan Dhawan, Advocate, for respondent No.2.

HARKESH MANUJA, J.(ORAL)

CRM-10121-2023

This is an application for seeking permission to the petitioners to add the offence under Section 326 IPC in the head note as well as prayer clause of the petition.

Notice of the application.

Mr. Amit Shukla, AAG, Punjab, accepts notice and on instructions submits that Section 326 IPC has been added lateron.

In view of the above and contents made in the application, the same is allowed and Section 326 be read as a part of head note as well as prayer clause.

CRM-M-42328-2021

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.194 dated 09.08.2021, registered under Sections 341/323/324/506/34 IPC, 1860 (Section 326 IPC added later

on) at Police Station Sadar, District Amritsar (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 23.09.2021 (Annexure P-2).

2. In the present case, due to some altercation, petitioners have inflicted injuries to the complainant, resulting into the registration of present FIR.

3. In pursuance to an order dated 16.01.2023 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, report dated 16.02.2023 has been received from the concerned court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other accused except the present petitioners and there is one respondent/complainant namely, Harpreet Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondents No.2 has no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioners, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that 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.

have inflicted injuries to the complainant due to some altercation.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully 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 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*.

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 judgment, FIR No.194 dated 09.08.2021, registered under Sections 341/323/324/506/34 IPC, 1860 (Section 326 IPC added later on) at Police Station Sadar, District Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

8. The aforesaid order shall however, be subject to payment of costs of Rs.10,000/- 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.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

03.03.2023
anil

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