

272 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-40417-2022
Date of Decision: 28.03.2023**

Hira Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ritesh Pandey, Advocate
 for the petitioners.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1/State.

Mr. A.K. Ranolia, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.5 dated 18.01.2020 (Annexure P-1), under Sections 148, 149, 323, 324, 427 and 452 of the Indian Penal Code, registered at Police Station Sadar Batala, District Batala and all the consequential proceedings arising therefrom, on the basis of Compromise dated 11.02.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 06.09.2022, the trial Court/Illaq Magistrate was directed to record the statements of parties with regard to the compromise on 09.10.2022, however, the same being a 'Sunday', the parties

were again directed to appear before the trial Court/Illaq Magistrate on 30.11.2022 and get their respective statements recorded with regard to the compromise arrived at between them, in terms of order dated 06.09.2022 passed by a co-ordinate Bench of this Court.

In compliance thereof, the Judicial Magistrate Ist Class, Batala, vide letter dated 05.12.2022, has submitted a consolidated report, which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:

“ - x - x - x -

The Court of undersigned has made the report as desired by your goodself:-

- 1. Seven persons were arrayed as accused in the present FIR.*
- 2. As per the statement of IO ASI Jaspal Singh, there is not any other complainant or victim other than the respondents, arrayed in the petition. **Out of seven persons, petitioner/accused namely Manpreet Singh son of Lakhwinder Singh, resident of Village Sahnewali, Abdal, District Amritsar, cited at serial No.2 in the memo of party, has not appeared for recording his statement.***
- 3. No accused is declared proclaimed offender in this case. Apart from the present FIR No.05 dated 18.01.2020, the accused persons are not involved in any other FIR.*
- 4. As per the statement of IO ASI Jaspal Singh, cancellation report in FIR No.05 dated 18.01.2020, has been prepared and is yet to be presented in the Court.*

5. The compromise is genuine, voluntarily and without any coercion or undue influence between complainant and accused persons.

- x - x - x - ”

A perusal of file reveals that the present petition was withdrawn qua petitioner No.2 (Manpreet Singh) vide order dated 13.03.2023.

Further, a perusal of the aforesaid report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute regarding quashing of the FIR in question.

Learned counsel appearing for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

I have heard learned counsel for the parties and perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of “*Shakuntala Sawhney Vs. Kaushalya Sawhney*”, 1979 (3) SCR 639 and “*Gian Singh Vs. State of Punjab and another*”, 2012 (4) RCR (Criminal) 543, and also considering the entire facts, compromise arrived at between the parties, statements of the parties recorded before the Judicial Magistrate Ist Class, Batala, and also his report dated 05.12.2022, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served

in allowing the criminal proceedings to continue.

Further, in the light of the abovementioned judicial precedents, when the parties have entered into a compromise then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.5 dated 18.01.2020 (Annexure P-1), under Sections 148, 149, 323, 324, 427 and 452 of the Indian Penal Code, registered at Police Station Sadar Batala, District Batala and all the consequential proceedings arising therefrom are quashed qua the petitioners except petitioner No.2. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **“Poor Patients' Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

It is made clear that since this petition was withdrawn qua petitioner No.2 (Manpreet Singh) vide order dated 13.03.2023; accordingly, the proceedings qua said petitioner No.2-Manpreet Singh son of Lakhwinder Singh resident of Village Sahnewali, Abdal District Amritsar, shall continue.

Needless to say that the parties shall remain bound by the terms

of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

28.03.2023
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No