

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 270

CRM-M-37254-2023
Date of Decision-22.11.2023

SHAGOON MALHOTRA AND ANR ... Petitioners
Versus

STATE OF UT CHANDIGARH AND ANR ... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- None for the petitioners.

Mr. Vivek Singla, APP, for respondent No.1.

Mr. Varun Gupta, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0054 dated 25.03.2021 registered under Sections 328, 511 & 120-B of Indian Penal Code at Police Station Sector-36, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

2. Learned counsel for the petitioners has submitted that in the present case, the FIR has been registered on the statement of complainants and now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. It is further submitted that on 01.08.2023, both the parties were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Sessions Judge, Chandigarh stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

3. Learned counsel for the petitioners relies upon the judgment of this Court in '*Parambir Singh Gill Vs. Malkiat Kaur*' 2010 (1) R.C.R. (Criminal) 256 and '*Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another*, 2012 (4) R.C.R. (Criminal) 589 to contend that the partial compromise with some of the accused is permissible.

4. Learned State counsel has submitted that respondent No.2 admits the factum of compromise and submit that the parties have amicably resolved

their dispute and the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*** and ***Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*** and ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012(12) SCC 401***, this petition is allowed and FIR No.0054 dated 25.03.2021 registered under Sections 328, 511 & 120-B of Indian Penal Code at Police Station Sector-36, Chandigarh and all subsequent proceedings arising out of the same are quashed qua petitioners.

(HARPREET SINGH BRAR)
JUDGE

22.11.2023
yogesh

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No