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

CRM-M-42053-2022 (O&M)

Date of Decision: 21.02.2023

PARAMJIT SINGH BHATTI @ PAVITTAR AND ANRPetitioners

Versus

STATE OF PUNJAB AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Davinder Kumar, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab.

Mr. Parveen Sharma, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.71 dated 01.07.2021, under Sections 323, 324, 341, 506 read with Section 34 of Indian Penal Code registered at Police Station Sadar Banga, District S.B.S. Nagar (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 31.12.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 14.09.2022 passed by a Co-ordinate Bench of this Court, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Judicial Magistrate First Class,

Shaheed Bhagat Singh Nagar has submitted its report, vide letter dated 03.12.2022 which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner.

Relevant extract of the said report is reproduced as under:-

- “1. Only 2 (Two) persons namely Paramjit Singh Bhatti @ Pavittar and Raajvir Singh Bhatti @ Rajan Singh have been arrayed as accused in the present FIR.
2. No accused is a proclaimed offender in the present case.
3. The compromise is genuine, voluntary, without any coercion without any undue influence.
4. Investigation is complete, and challan has already been presented in the Hon'ble Court.”

A perusal of the said report would show that statements of all 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 was entered into voluntarily and without any pressure.

Learned counsel 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.

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

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

In the light of the judgments rendered by the Hon'ble Apex

Court in the cases of ***Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979)***

3 SCR 639 and *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and also considering the entire facts, compromise, the statements of the parties recorded and also the report dated 03.12.2022 submitted by Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, 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 above mentioned 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.71 dated 01.07.2021, under Sections 323, 324, 341, 506 read with Section 34 of Indian Penal Code registered at Police Station Sadar Banga, District S.B.S Nagar (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners. 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.

Needless to say that 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.

21.02.2023
Amandeep

(HARSH BUNGER)
JUDGE

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