

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41736-2023
Date of decision: 13.09.2023

Rafiq Ahmad Lone @ Raja KashmiriPetitioner.

Versus

State of Punjab and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jasjit Singh, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Anureet S. Sidu, Advocate,
for respondent No. 2.

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SANJIV BERRY, J.

This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 16.08.2023 (Annexure P-2), executed between the parties. Details of the FIR are as follows: -

FIR No.	Dated	Sections	Police Station
0063	07.05.2023	379, 380 and 454 IPC	Balongi, District SAS Nagar

[2]. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 16.08.2023 (Annexure P-2), 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.

CRM-M-41736-2023

-2-

[3]. Learned Judicial Magistrate Ist Class, Kharar, vide report dated 05.09.2023 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure and the petitioner has also deposited the cost of Rs. 5,000/- in compliance to the order dated 23.08.2023. Copy of the original receipt dated 02.09.2023 is also enclosed herewith.

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

[5]. In view of the aforesaid report of learned Judicial Magistrate Ist Class, Kharar, 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 herself compromised the dispute with the petitioner/ accused person.

[6]. In the circumstances, the present petition is allowed. FIR No. 0063 dated 07.05.2023 under Section 379, 380 and 454 IPC, registered at Police Station Balongi, District SAS Nagar, (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise/affidavit dated 16.08.2023 (Annexure P-2) qua the present petitioner.

(SANJIV BERRY)
JUDGE

13.09.2023
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i) Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No