

CRM-M No.44272 of 2023 (O&M)

2023:PHHC:154611

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

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CRM-M No.44272 of 2023 (O&M)
Date of Decision: 04.12.2023

MAKHAN AND OTHERS**.....Petitioners****Vs****STATE OF PUNJAB AND OTHERS****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Dinesh Maurya, Advocate for
Mr. Manoj Kumar Sharma, Advocate
for the petitioners.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

Mr. Ritesh K. Sharma, Advocate
for respondent Nos.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.75 dated 19.07.2023 registered under Section 365 IPC (Sections 364-A, 120-B IPC added later on) at Police Station Rangar Nangal, District Batala (Gurdaspur) (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 03.08.2023 (Annexure P-2).

2. Notice of motion was issued on 04.09.2023 and both the parties were directed to appear before the Trial Court/Illaq Magistrate on 21.09.2023 for recording their statements with regard to the validity of compromise.

3. In pursuance of the aforesaid order dated 04.09.2023 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, a report dated 30.11.2023 has been received from the concerned court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent Nos.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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.

5. The parties having settled their dispute so as to live in peace 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 even 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.**

6. 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 judgments, the FIR No.75 dated 19.07.2023 registered under Section 365 IPC (Sections 364-A, 120-B IPC added later on) at Police Station Rangar Nangal, District Batala (Gurdaspur) (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of cost(s) of Rs.5,000/- to be deposited by the petitioners with the Poor Patients Welfare Fund of the PGIMER, Chandigarh within a period of two weeks from today.

December 04, 2023
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(HARKESH MANUJA)
JUDGE

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