

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

CRM-M-48827-2022

Date of Decision: March 29, 2023

GURPREET SINGH @ GOPI

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ranjeet Singh, Advocate for petitioner.

Mr. V.K. Gupta, AAG, Punjab.

Mr. Rishab Garg, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.107 dated 04.12.2021, under Sections 452, 323, 148 and 149 IPC registered at Police Station Mallanwala, District Ferozepur (Annexure P1) along with all consequential proceedings arising therefrom qua the petitioner on the basis of compromise dated 22.09.2022 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner along with six other accused attacked the complainant with their respective weapons.

3. In pursuance to an order dated 21.02.2023 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 the compromise arrived at between them, a report dated 17.03.2023 has been received from the concerned court, stating that the compromise between the complainant-Ranjit Singh and petitioner-Gurpreet Singh @ Gopi is valid, genuine, voluntary and without any coercion or undue

influence. There are five other accused persons and no accused has been declared as PO.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the 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. Though initially the FIR was registered against six assailants including the petitioner, however, the compromise has been effected with the petitioner only. 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**. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh**

Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589 and this Court in Joginder Singh & another Vs. State of Punjab and another, passed in CRM-M-23739- 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, passed in CRM-M- 37395-2016 decided on 16.05.2017 and Vimal Kalra & others Vs. State of Punjab & another, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

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. 107 dated 04.12.2021, under Sections 452, 323, 148 and 149 IPC as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today

29.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

