

238

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

CRM-M-52118-2021

Date of Decision: 01.05.2023

Parminder Kumar

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab
for respondent No.1/State.

Mr. Shubham Mehta, Advocate for
Mr. Yaseen Sethi, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.67 dated 27.03.2019 (Annexure P-1), registered under Section 420 of the Indian Penal Code, 1860, registered at Police Station Division 7, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise deed dated 25.11.2021 (Annexure P-2) arrived at between the parties.

2. Vide order dated 14.12.2021 passed by 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.

3. In compliance thereof, the Judicial Magistrate Ist Class, Ludhiana has submitted a consolidated report vide letter dated 13.01.2022 which indicates that the parties appeared before the Judicial Magistrate Ist Class, Ludhiana 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 with free will and consent. Relevant extract of the said report is reproduced as under:-

“i) As per the statement of the I.O ASI Resham Singh there is only one accused namely Parminder Kumar @ Parvinder Kumar in the present FIR who appeared before the court and got recorded his statement. Further as per the statement of I.O the accused is not P.O in this case.

ii) As per the statement of the I.O the complainant namely Varinder Kaur is the only aggrieved person in the present case who appeared before the court and got recorded her statement in support of the compromise.

iii) The case is pending at the stage of awaiting challan.

iv) From the aforementioned statements of the parties, which were got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.”

4. A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

5. 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 concerned persons and would help in bringing out peace and amity between the parties.

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

7. I have heard the learned counsel for the parties and have

perused the file.

8. In the light of judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639, Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and considering the entire facts, compromise, the statements of the parties recorded before the Judicial Magistrate Ist Class, Ludhiana, and also the report dated 13.01.2022 submitted by the Judicial Magistrate Ist Class, Ludhiana, 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.

9. It is pertinent to mention here that even otherwise, offences punishable under Section 420 of the Indian Penal Code are compoundable under the provisions of Section 320 Cr.P.C.

10. 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.

11. 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 FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner, would be securing the ends of justice.

12. Accordingly, this petition is allowed. FIR No.67 dated 27.03.2019 (Annexure P-1), registered under Section 420 of the Indian Penal Code, 1860, registered at Police Station Division 7, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom, are quashed qua the petitioner. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner

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.

13. Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.
14. All pending application(s), if any, shall stand disposed of.

01.05.2023	(HARSH BUNGER)
Himani	JUDGE
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No