

CRM-30446-2023 IN/AND
CRM-M-48382-2022(O&M)

116

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-30446-2023 IN/AND
CRM-M-48382-2022 (O&M)
Date of decision: July 31, 2023**

Balwinder Singh @ Bau and others

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Malkiat S. Hundal, Advocate for petitioners.

Mr. Dhruv Dayal, Additional AG Punjab.

Mr. Shekhar Kumar, Advocate for
Mr. Rahul Bansal, Advocate
for respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

CRM-30446-2023

For the reasons stated in application, same is allowed. Main case, which is slated for hearing on 05.09.2023, is preponed and the same is taken up on Board for hearing today itself. Earlier date stands cancelled. Registry to do the needful.

Main case (O&M)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of G.D. No.29 dated 24.01.2022, under Sections 323, 325, 452, 148 read with Section 149 of IPC, in FIR No.14 dated 23.01.2022, registered at Police Station, Kamoj, Amritsar (Rural) and subsequent proceedings thereto, on the basis of compromise dated 03.10.2022 (Annexure P-2/T), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 15.11.2022 had directed the parties to appear before the trial Court/ *Illqa* Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 17.02.2023 of learned Judicial Magistrate First Class, Amritsar and a perusal of the same would reveal that the statements of the complainant /respondents No.2 and 3 as also of the accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and is without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondents No.2 and 3 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹ and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².

6. Adverting back to the facts of the present case, it is apparent that the complainant/respondents and accused/petitioners are resident of same village and are neighbours and compromise has been arrived at between the parties voluntary and without any coercion.

7. In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

8. For the reasons recorded above, the present petition is allowed. G.D. No.29 dated 24.01.2022, under Sections 323, 325, 452, 148 read with Section 149 of IPC, in FIR No.14 dated 23.01.2022, registered at Police Station, Kamoj, Amritsar (Rural) and

¹Criminal Appeal No.1489 of 2012

CRM-30446-2023 IN/AND
CRM-M-48382-2022(O&M)

subsequent proceedings thereto, on the basis of compromise dated 03.10.2022 (Annexure P-2/T) and all proceedings emanating therefrom *qua* the petitioners stand quashed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 31, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No