

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-46267-2023 (O&M)

Date of Decision: 05.12.2023

JAGMOHAN SINGH

...Petitioner

V/S

RANBIR SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ishan Kaushal, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 61 dated 10.07.2021 registered under Sections 420, 465, 467, 468 and 471 of Indian Penal Code at Police Station Badali Ala Singh, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise dated 29.03.2023 (Annexure P-2).

2. On 15.09.2023, following order was passed:

“Through this petition, the petitioner seeks quashing of FIR No.61 dated 10.07.2021, registered at Police Station Badali Ala Singh, under Sections 420, 465, 467, 468 and 471 IPC and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.03.2023 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner refers to judgment dated 18.05.2023 (Annexure P-3) passed in civil appeal preferred by the petitioner against the respondents wherein factum of compromise effected between the parties has been noticed.

Notice of motion for 05.12.2023.”

3. Mr. Aseem Sharma, Advocate has put in appearance on behalf of respondents No. 1 and 2, filed her power of attorney and the same is taken on record.

4. Learned counsel for the petitioner contends that both the aggrieved persons have been impleaded as respondents. Both the parties have compromised the matter, which is evident from the judgment dated 18.05.2023 passed in Civil Appeal preferred by the petitioner against the respondents and the relevant extract from the order passed by learned Additional District is reproduced hereinbelow:

“In view of the compromise Ex. CX arrives interse the parties regarding which the parties have suffered statement in the court, therefore, the court deem it proper to dispose off the appeal in hand, in view of compromise Ex. CX with direction to the parties to bound by the terms and conditions of the compromise Ex. CX and statement suffered in the court.”

5. Learned counsel appearing for respondents has admitted the factum of compromise and submits that he has no objection in case the FIR in question is quashed.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal

prosecution would be an exercise in futility, as the chances of ultimate

conviction are bleak. A two Judge Bench of the Hon’ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.*The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....*”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 61 dated 10.07.2021 registered under Sections 420, 465, 467, 468 and 471 of Indian Penal Code at Police Station Badali Ala Singh, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

05.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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