

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

CRM-M-53123-2021

Date of Decision: May 22, 2023

JAGBIR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lakhwinder Singh Mann, Advocate for petitioner.
Mr. Kunal Vinayak, AAG, Punjab.
Dr. Hardeep Singh, Advocate for
Mr. Rohit Rana, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.164 dated 20.10.2019 registered under Sections 452, 323, 325, 341, 506, 294, 109, 427, 148 and 149 IPC at Police Station Nakodar Sadar (Annexure P1) along with all consequential proceedings arising therefrom qua the petitioner on the basis of compromise affected and affidavit dated 09.08.2021 (Annexure P-4) executed by respondent No.2.

2. As per the allegations levelled in the FIR, the petitioner along with other accused persons caught hold of the complainant and attacked them with their respective weapons.

3. In pursuance to an order dated 21.02.2022 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 17.03.2022 has been received from the concerned court, stating that the compromise between the complainant-respondent No.2 and petitioner is valid,

genuine, voluntary and without any coercion or undue influence. In the

present case, FIR was registered against 7 persons including the petitioner. One namely Satnam Singh was declared as innocent whereas other five were acquitted by trial Court vide judgment dated 16.08.2021 passed by Court of SDJM Nakodar. Though the petitioner was declared as proclaimed offender, however, the said order dated 23.12.2020 was set aside by this Court vide order dated 11.04.2023 passed in CRM-M-54289-2021.

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. 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 CRM-M-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. 164 dated 20.10.2019 registered under Sections 452, 323, 325, 341, 506, 294, 109, 427, 148 and 149 IPC at Police Station Nakodar Sadar (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.20,000/- to be deposited with the Punjab and Haryana High Court Employees Welfare Association Fund having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

22.05.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>