

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

CRM-M-47348-2023

DATE OF DECISION:-21.12.2023

Rajbir Kaur and others

...Petitioners.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Varinder Basa, Advocate for the petitioners.

Mr. G.S. Dhillon, AAG, Punjab.

Ms. Sunita Devi, Advocate for

Mr. Sunil Kumar Dogra, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.36 dated 05.05.2017, under Sections 308, 452, 324, 323, 295, 148, 149 IPC and Section 25 of the Arms Act, 1959 (Section 307 of IPC and Section 25 of the Arms Act added later on), registered at Police Station Dera Baba Nanak, District Batala, Gurdaspur, Punjab (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 04.09.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners entered into the house of the complainant and inflicted injuries upon the complainant with their respective weapons.

Though, as per allegations, total 05 persons were involved in the incident, however, only 04 accused i.e. present petitioners have approached this Court.

3. In pursuance to order dated 20.09.2023 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 compromise arrived at between them, a report dated 16.10.2023 has been received from the concerned court, stating that respondent No.2-Sulakhan Singh and respondent No.3 Sukhdev Singh have effected the compromise with the above named accused with their own free will and without any coercion or pressure from any corner and same is found genuine. No accused i.e. the present petitioners declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. 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***

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& Anr., 2012(4) RCR (Crl.) 543.

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsingh 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.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.36 dated 05.05.2017, under Sections 308, 452, 324, 323, 295, 148, 149 IPC and Section 25 of the Arms Act, 1959 (Section 307 of IPC and Section 25 of the Arms Act added later on), registered at Police Station Dera Baba Nanak, District Batala, Gurdaspur, Punjab (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of two weeks from today.

21.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No