

268 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50013-2023
DATE OF DECISION:-19.12.2023

Nishan Singh and others

...Petitioners.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajeev Sharma, Advocate,
for the petitioners.

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

Ms. Surbhi Yadav, Advocate for
Mr. Shehbaz Thind, 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.98, dated 22.06.2023, under Sections 323, 160, 148, 149 and 326 IPC added later on, registered at Police Station Division No.2, Ludhiana as well as cancellation of the DDRs GDD No.022 dated 27.06.2023 and GDD No.30 dated 01.09.2023 (Annexure P-3) and all other subsequent proceedings arising therefrom on the basis of compromise dated 06.09.2023 (Annexure P-4).

2. Briefly stated, the petitioners and private respondents are neighbours and due to some misunderstanding scuffle took place between them, in which, both the sides received injuries, resulting into registration of present FIR and DDRs.

3. In pursuance of order dated 12.10.2023 passed by this Court, whereby 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 18.12.2023 has been received from the concerned Court, stating that compromise has been voluntarily effected between the parties and the same appears to be genuine and without any pressure or coercion and undue influence. No accused has been declared as proclaimed person.

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

6. 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, FIR No.98, dated 22.06.2023, under Sections 323, 160, 148, 149 and 326 IPC added later on, registered at Police Station Division No.2, Ludhiana along with DDRs GDD No.022 dated 27.06.2023 and GDD No.30 dated 01.09.2023 (Annexure P-3) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioners with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

19.12.2023

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(HARKESH MANUJA)
JUDGE

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