

258

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

CRM-M-52572-2022

Date of Decision: 02.03.2023

Lakhan Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Umesh Aggarwal, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab
for respondent No.1/State.

Ms. Nandini Sharma, Advocate for
Mr. Prateek Sodhi, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.101 dated 09.09.2019, registered under Sections 447, 427, 511 and 34 of Indian Penal Code, 1860, and offence under Section 201 of Indian Penal Code was added vide DDR No.18, dated 18.10.2021 in the present case FIR No.101/2019, registered at Police Station Khilchian, Amritsar (Annexure P-1) and all the consequential proceedings arising out of the FIR on the basis of compromise dated 01.10.2022 (Annexure P-2) and affidavit (Annexure P-3) arrived at between the parties.

Status report dated 02.03.2023 by way of affidavit of Harkrishan Singh, P.P.S., Deputy Superintendent of Police, Baba Bakala Sahib, District Amritsar Rural, on behalf of respondent No.1/State of Punjab is filed by the learned State counsel in Court today and the same is taken on

record, subject to all just exceptions.

Vide order dated 15.11.2022 passed by this Court, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Sub Divisional Judicial Magistrate, Baba Bakala Sahib has submitted a consolidated report vide letter dated 03.01.2023 which indicates that the parties appeared before the Sub Divisional Judicial Magistrate, Baba Bakala Sahib and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:-

“5. In view of the aforesaid statements, I have the honour to submit my para-wise report as under:-

(i) There are three accused namely 1) Lakhan Singh son of Rashpal Singh 2) Narinder Singh alias Ram Singh son of Rashpal Singh, 3) Rashpal Singh son of Balkar Singh, All residents of Khilchian, Tehsil Baba Bakala Sahib, Amritsar.

(ii) No Challan has been presented in this case.

(iii) No accused in this case has been declared Proclaimed Offender.

(iv) As per police record FIR No. 71/2015 U/s 186, 353, 506, 224 IPC PS Khilchian and FIR No. 127/2019 U/s 323, 324, 354-B, 379, 148 & 149 IPC PS Khilchian are pending against all petitioners/accused.

(v) The parties have stated that all concerned have signed on the compromise deed, but no compromise deed is produced on the judicial file.

(vi) I am satisfied that compromise between the parties of the present petition is genuine without any pressure or coercion, threat or undue influence.

(vii) As per statement of IO/ASI Rajwinder Singh the

complainant/aggrieved party and the victim in the present case is only Sham Sunder son of Kasturi Lal, resident of Khilchian, Tehsil Baba Bakala Sahib, Amritsar.”

A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the concerned persons and would help in bringing out peace and amity between the parties.

Learned State counsel, while referring to para No.6 of the status report submits that the offence under Section 201 of Indian Penal Code was added vide DDR No.18, dated 18.10.2021 in the present case FIR No.101/2019, however he does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639, Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and also considering the entire facts, compromise, the statements of the parties recorded before the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, and also the report dated 03.01.2023 submitted by Sub Divisional Judicial Magistrate, Baba Bakala Sahib; since the parties have arrived at a compromise by amicably settling their disputes

and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.101 dated 09.09.2019, registered under Sections 447, 427, 511 and 34 of Indian Penal Code, 1860, and offence under Section 201 of Indian Penal Code which was added vide DDR No.18, dated 18.10.2021 in the present case FIR No.101/2019, registered at Police Station Khilchian, Amritsar (Annexure P-1) and all the consequential proceedings arising out of the FIR, are quashed qua the petitioners. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **“Poor Patients Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

02.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No