

257 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52278-2022
DATE OF DECISION:-16.02.2023

Baljinder Singh @ Binny Lubana ...Petitioner.

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jagjot Singh Lalli, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Simranjeet Singh, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.99 dated 28.04.2020, under Sections 323, 324, 506, 188, 34 IPC (Section 326 IPC added later on), registered at Police Station Division No.5, Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 26.05.2022 (Annexure P-5).

2. As per the allegations levelled in the FIR, during Covid-19 situation, the petitioner along with one Sachin entered into an altercation with complainant and gave injuries to him, who while working as lineman in Fastway Company was affixing bamboo to block the street. It is relevant

to mention here that FIR qua co-accused of the petitioner, namely, Sachin already stands quashed by this Court vide order dated 31.03.2021 passed in CRM-M-35156-2020.

3. In pursuance to an order dated 15.11.2022 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 23.01.2023 has been received from the concerned court stating that the compromise seems to be genuine and they have compromised the matter voluntarily and without any coercion or undue influence and statement recorded by the parties are not the result of any pressure and coercion. Accused-petitioner has not been declared as PO.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising therefrom against the petitioner; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, who happen to be residents of same vicinity and 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 directions issued by this 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 report accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.99 dated 28.04.2020, under Sections 323, 324, 506, 188, 34 IPC (Section 326 IPC added later on), registered at Police Station Division No.5, Jalandhar as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

16.02.2023

sonika

(HARKESH MANUJA)**JUDGE**

whether speaking/reasoned: Yes/No

whether reportable: Yes/No