

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

CRM-M-50590-2023 (O&M)
Date of Decision: 07.10.2023

Lakhwinder Singh Sran Alias Gagandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. M.B. Rajwade, Advocate for
Mr. Sangram S. Saron, Advocate
for the petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

Ms. Kuljeet Kaur, Advocate for
Mr. Rohit Sud, Advocate
for the respondent No.2.

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 of the Indian Penal Code, 1860 (for short 'IPC') and Final Report dated 22.11.2018 (Annexure P-2) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 (for short 'Act of 1984'), at Police Station Kotbhai, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom, on the basis of compromise dated 11.01.2023 (Annexure P-3), which is stated to have been effected between the parties.

2. Learned counsel for the petitioner submits that quashing petition filed by co-accused-Gurbinder Singh Dhillon in the same very FIR was allowed by this Court vide order dated 31.08.2023 (Annexure P-4) on the basis of

compromise. He further submits that thereafter another quashing petition was filed by 12 other co-accused in this very FIR as compromise was also effected with them by the complainant/respondent No.1 herein. He further contends that compromise *qua* petitioner has also been effected with complainant/respondent No.2 and, therefore, the complaint filed *qua* him along with all consequential proceedings emanating therefrom, may also be quashed on the basis of parity. He would further submit that he is not a proclaimed offender in any case and that there is no legal impediment in quashing of FIR *qua* the petitioner.

3. On advance knowledge of this petition, learned counsel for respondent No.2 appears and admits the factum of compromise. He further submits that he would have no objection to the quashing of FIR in question *qua* the petitioner as well.

4. Arguments heard.

5. On 31.08.2023, while allowing the quashing petition bearing No.**CRM-M-17427-2023** title as ***“Gurbinder Singh Dhillon Vs. State of Punjab and another”*** this Court passed the following order:

“Petitioner seeks quashing of FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 IPC and Final Report dated 22.11.2018(Annexure P-6) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, at Police Station Kotbhai, District Shri Muktsar Sahib and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-9), which is stated to have been effected between the parties.

2. *Short reply dated 07.07.2023 by way of affidavit of Jasbir Singh, Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib has been filed. Para Nos. 11 and 12 of the said affidavit reads as under:*

11. *That now statement of Krishan Kumar, Retired Inspector no.188/FDK son of Babu Ram, resident of Guru Teg Bahadur Nagar, Ward no.2, Gidderbaha has been recorded by the deponent on 28.06.2023 in connection with the present case and he stated that the present case was got registered by him. He*

further stated that he has been retired from Punjab Police on 31.05.2020 and it is residing in Gidderbaha. He further stated that accused Hardeep Singh and others also resident of Gidderbaha and is one of the respectable person of Gidder baha, so oftenly they met each other. He further stated that now he want to forget the incident of 25.12.2017 and want to life peacefully.. Krishan Kumar further stated that now his compromise has been affected in the presence of respectable persons and he is satisfied on the said compromise, so he does not want to proceed further against the petitioner and his co-accused for such altercation. He further stated that he has no objection if the present FIR is quashed by the Hon'ble High Court.

12. That respondent no.2 Krishan Kumar raised No Objection to quash the present FIR. Apart from this, he further stated that he wants to lead his retired life peacefully and amicably so he wants to lead his retired life peacefully and amicably so he does not want to proceed further in view of the compromise affected between respondent no 2 and petitioner and his co-accused.

3. According to aforesaid reply, statements of complainant party i.e, respondent No.2 as also of accused present petitioner herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. It is apparent that the complainant respondent No.2 and accused/petitioner herein, have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondent No.2 states that he would have no objection to the quashing of FIR in question.

*5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/ FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled "**Ramgopal and anr. V. The State of Madhya Pradesh**" and a Full Bench decision of this Court in **Kulwinder Singh and others V. State of Punjab and others**"*

6. In the premise, it is an appropriate case for exercise of power under Section 482 Cr.PC, and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

7. Petition is thus allowed. FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 IPC and Final Report dated 22.11.2018 (Annexure P-6) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, at Police Station Kotbhai, District Shri Muktsar Sahib and subsequent proceedings emanating therefrom, stand quashed.

8. Pending application(s), if any, shall also stand disposed."

6. I see no reason as to why the petitioner be not meted with the same treatment.
7. In the premise, it is an appropriate case for exercise of power under Section 482 Cr.PC, and to bring to an end the criminal proceedings initiated in the impugned FIR *qua* the petitioner.
8. Petition is thus allowed. FIR No.166 dated 26.12.2017 (Annexure P-1), registered under Sections 353, 186, 427, 506 and 148 IPC and Final Report dated 22.11.2018 (Annexure P-2) under Sections 353, 186, 427, 506 and 148 IPC and Sections 3 and 4 of the Act of 1984, at Police Station Kotbhai, District Sri Muktsar Sahib and subsequent proceedings emanating therefrom, *qua* the petitioner stand quashed.
9. Pending application(s), if any, shall also stand disposed of.

07.10.2023
Jyoti Thakur

(ARUN MONGA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>