

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

(279)**CRM-M-50875-2023****Date of Decision: 04.12.2023**

Parambir Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.B.S.Randhawa, Advocate, for the petitioner.

Mr. P. S. Grewal, DAG, Punjab.

Mr. Aniket Chauhan, Advocate, for
Ms. Mandeep Kaur, Advocate, for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.0006 dated 15.01.2018, under Sections 323, 324, 326, 452, 148, 149 IPC, registered at P.S. Shri Hargobindpur, Police District Batala (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into inter se the petitioner and respondent No.2 and 3/Complainant.

2. Upon an affirmative response from the learned counsel for respondent No.2 and 3/complainant qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 09.10.2023 upon the instant petition, besides issuing notice, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2).

Moreover, the trial Court/Illaq Magistrate concerned was also directed to

3. Consequent to the making of the directions (supra), the parties appeared before the Judicial Magistrate 1st Class, Batala and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.281 dated 30.10.2023 has been received from the Judicial Magistrate 1st Class, Batala, wherein, a satisfaction has been recorded by the Magistrate concerned qua the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties. The relevant extract of the report is reproduced hereunder:

“1. Number of persons arrayed as accused in the FIR

On this count, it was submitted by the investigating officer that in the present FIR there are as many as 05 named accused, they being:

- a) Parambir Singh aged 35 years son of Satnam Singh*
- b) Manbir Singh aged 49 years son of Amar Singh.*
- c) Satnam Singh aged 53 years son of Piara Singh.*
- d) Ajmer Singh aged 29 years son of Satnam Singh.*
- e) Sarwan Kumar aged 62 years son of Charn Das.*

2) Whether any accused is a proclaimed offender?

According to the statement of the investigating officer, none of the accused have been declared as proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

On 20.10.2023, petitioners/accused and complainants/respondents appeared in the Court along with their respective Advocates and stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant as well as injured/respondents stated in specific terms that they had no objection if the quashing proceedings filed by the petitioners/accused are accepted. Both the parties were identified by their respective Advocates.

The respondents/complainants and petitioners/accused were asked to show their identity cards and photocopies of the same were taken on record (Photocopies of identity cards and statements attached herewith).

Therefore, from the statements of the parties, it appears that compromise entered into between the parties is genuine, voluntary and out of free will.

4) Whether the accused persons are involved in any other FIR or not?

According to the statement of the investigating officer, no accused person is involved in any other FIR.

5) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Statement of the Investigating Officer was also recorded on this score and he stated that there is only one complainant namely Rajinder Kumar and one injured namely Dharminder Kumar in the present FIR.”

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;

- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not of grave in nature, as also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, FIR No.0006 dated 15.01.2018, under Sections 323, 324, 326, 452, 148, 149 IPC, registered at P.S. Shri Hargobindpur, Police District Batala (Punjab) (Annexure P-1) and all subsequent proceedings

arising therefrom, are hereby quashed, on the basis of the compromise
(Annexure P-2).

(KULDEEP TIWARI)
JUDGE

04.12.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No