

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

CRM-M No.53100 of 2022

Date of decision: 26.05.2023

Ajay Sharma and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ashok Goel, Advocate
for the petitioners.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1-State.

Mr. Jagan Nath Bhardwaj, Advocate for
Mr. Paramjeet Singh Bajwa, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed seeking quashing of FIR No.0052, dated 28.04.2022, under Sections 389, 120-B & 384 of IPC, registered at Police Station Anaj Mandi, District Patiala and all the consequential proceedings arising therefrom on the basis of compromise dated 01.11.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 29.11.2022, passed by this Court, the trial Court/Illaq Magistrate was directed to record the statements of parties with regard to the compromise.

In compliance thereof, the Judicial Magistrate Ist Class, Patiala, vide letter dated 23.12.2022, has submitted a consolidated report,

which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of compromise. As per the report, the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence and the same is arrived at between the parties with their free will.

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise arrived at between them is genuine, voluntary and without any coercion or undue influence and the same is arrived at between the parties with their free will.

Learned State counsel does not raise any serious dispute regarding quashing of the FIR in question.

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

I have heard learned counsel for the parties and 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** and "*Gian Singh Vs. State of Punjab and another*", **2012 (4) RCR (Criminal) 543**, and also considering the entire facts, compromise arrived at between the parties, statements of the parties

recorded before the Judicial Magistrate Ist Class, Patiala, and also his report dated 23.12.2022, 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 abovementioned 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 proceedings 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.0052, dated 28.04.2022, under Sections 389, 120-B & 384 of IPC, registered at Police Station Anaj Mandi, District Patiala and all the consequential proceedings arising therefrom 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 the 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.

26.05.2023

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(HARSH BUNGER)
JUDGE

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