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

CRM-M-56322-2022 (O&M)

Date of Decision: 21.02.2023

INDERJIT SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikashdeep Singh, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondents No.2 and 3.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.264 dated 25.09.2021, under Sections 323, 324, 506, 341 read with Section 34 and (Section 201 IPC added later on) of Indian Penal Code, 1860 registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 23.11.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 05.12.2022, 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, Sultanpur Lodhi has submitted its report, vide letter dated 19.01.2023 which indicates that the parties appeared before the Magistrate 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 without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“(i) As per statement of investigating officer, three persons i.e. petitioners/accused namely Inderjit Singh son of Arjan Singh, Jasvir Singh son of Gurdial Singh and Kewal Singh son of Thakar Singh, all residents of village Ahmadpur, Tehsil Sultanpur Lodhi, District Kapurthala, have been arrayed as accused in the present FIR.

(ii) As per statement of investigating officer, none of petitioners/accused have been declared as proclaimed person nor any other proceedings is pending for declaring them as PO in any other Court.

(iii) In the light of peculiar facts, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(iv) As per statement of investigating officer, none of the petitioners/accused are involved in any other case except the present case.”

A perusal of the said report would show that statements of all 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 was entered into voluntarily and without any pressure.

Learned counsel for respondents No.2 and 3 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.

Learned State counsel 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 the judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639* and *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 Illaqa Magistrate / Trial Court and also the report dated 19.01.2023 submitted by Sub Divisional Judicial Magistrate, Sultanpur Lodhi 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 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.264 dated 25.09.2021, under Sections 323, 324, 506, 341 read with Section 34 and (Section 201 IPC added later on) of Indian Penal Code registered at Police

Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the consequent 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 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.

21.02.2023
Amandeep

(HARSH BUNGER)
JUDGE

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