

270 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58680-2022
Date of Decision: 21.03.2023

Parwinder Singh @ Sony

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. J.S. Bhandohal, Advocate
for the petitioner.

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

Ms. Manveer Kaur, Advocate for
Mr. B.S. Khaira, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

Present petition under Section 482 of the Code of Criminal Procedure is filed for quashing of FIR No.52 dated 17.05.2021 (Annexure P-1), under Sections 186, 341, 353 and 506 of the Indian Penal Code, registered at Police Station Bhadson, District Patiala, along with all consequential proceedings arising therefrom, on the basis of compromise dated 13.12.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 15.12.2022, 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, Nabha,

vide letter dated 27.01.2023, 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 and with free will and consent. Relevant extract of the said report is reproduced as under:

“ - x - x - x -

The point-wise report of the Trial Court is as under: -

(i) Number of persons arrayed as accused in FIR and those found involved during investigation;

Besides the accused Parwinder Singh @ Sony, there is no other accused in the FIR.

(ii) What is the status of the proceedings of the case/ FIR;

The present case is pending for prosecution evidence.

(iii) Whether any accused is proclaimed offender;

None of the accused is declared as proclaimed offender in the present case.

(iv) Whether the accused persons are involved in any other case or not;

None of the parties is involved in any other pending criminal case.

(v) Whether all the concerned have signed the compromise deed;

All the concerned i.e. accused Parwinder Singh @ Soni and complainant Amarjit Singh signed the compromise deed which is Ex. C1.

(vi) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

The compromise is genuine, voluntary and without any coercion or undue influence.

(vii) 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;

There is only one complainant/ victim in the present case.

As per the directions of the Hon'ble Punjab & Haryana High Court, the parties were directed to appear on or before 09.01.2023 for recording their statements. However, they have appeared on 16.01.2023 to get their statements recorded.

Both the complainant Amarjit Singh and the accused Parwinder Singh @ Sony appeared before the Court and made their statements in support of the compromise. The compromise appears to be genuine, voluntary, and without any coercion or undue influence.

- x - x - x - ”

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 pressure.

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, Nabha, and also her report dated 27.01.2023, 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 petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.52 dated 17.05.2021 (Annexure P-1), under Sections 186, 341, 353 and 506 of the Indian Penal Code, registered at Police Station Bhadson, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioner. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner 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.

21.03.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No