

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57589-2022 (O&M)
Date of Decision: 23.03.2023

Varinder Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Nakul Sharma, Advocate
for the petitioners.

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

Mr. Manan Kshetarpal, Advocate, for
Ms. Amarpreet Kaur, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.14 dated 07.03.2022, registered under Sections 336, 384, 120-B and 34 of Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, at Police Station Ghall Khurd, District Ferozepur and all the consequential proceedings arising out of the FIR on the basis of compromise dated 25.11.2022 (Annexure P-3) arrived at between the parties.

Vide order dated 09.12.2022 passed by this Court, 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 Judicial Magistrate Ist Class,

Ferozpur has submitted a consolidated report vide letter dated 09.01.2023 which indicates that the parties appeared before the Judicial Magistrate Ist Class, Ferozpur 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 with free will and consent. Relevant extract of the said report is reproduced as under:-

“(i) That the above mentioned FIR was registered on the statement of complainant Malkiat Singh son of Balvir Singh against three accused persons i) Varinder Singh son of Jagir Singh, ii) Khushpreet Singh son of Gurwinder Singh, iii) Gurpreet Singh son of Nirmal Singh. All residents of Ward No.1, Ambedkar Nagar, Mudki, District Ferozpur. They have appeared in the court and made statement. None of the above mentioned accused/petitioner ever being declared proclaimed offender.

(ii) Name of complainant Malkiat Singh son of Balvir Singh. Nobody injured in this case. He appeared in the court and made statement in support of compromise.

(iii) Challan presented. Charges framed and case is fixed for prosecution evidence.

(iv) Compromise is genuine, voluntary and without any coercion or undue influence.”

A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all

the concerned persons and would help in bringing out peace and amity between the parties.

I have heard the learned counsel for the parties and have 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*, *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 Judicial Magistrate Ist Class, Ferozepur, and also the report dated 09.01.2023 submitted by Judicial Magistrate Ist Class, Ferozepur; 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 FIR 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.14 dated 07.03.2022, registered under Sections 336, 384, 120-B and 34 of Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, at Police Station Ghall Khurd, District Ferozepur and all the consequential proceedings arising out of the FIR, 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.

23.03.2023

D.Bansal

(HARSH BUNGER)
JUDGE

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