

CRM-M-55569-2023

**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-55569-2023 (O&M)****Date of Decision: 15.12.2023****SANJEEV KUMAR****...Petitioners****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rituraj Singh, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

Mr. Anmol Hayer, Advocate
for respondent No. 2.

**********HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0088 dated 08.05.2021, registered under Sections 353, 186 of Indian Penal Code at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise dated 22.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of Dr. Lakhvir Singh-Designated Officer, Food Safety Officer i.e. respondent No. 2 on the allegations of misbehaving with the food team while taking samples of food and making interruption in the sampling. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Hoshiarpur stating that the compromise

arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer opposed the quashing of the present petition on the ground that the FIR in question is registered under Section 186 of Indian Penal Code and as such the FIR(supra) cannot be quashed on the basis of compromise.

5. Faced with this, learned counsel for the petitioner relies upon the Division Bench judgment of this Court in **Vinod @ Boda and Others Vs. State of Haryana and Another 2017(1) RCR (Crl.) 571** to contend that even in offences under Section 353 and 186 of Indian Penal Code, quashing of FIR can be allowed.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in **Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63**, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled between the remaining petitioners and respondent No. 2/complainant and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, and judgment of Division Bench of this Court passed in **Vinod @ Boda and Others Vs. State of Haryana and Another 2017(1) RCR (Crl.) 571** this petition is allowed and FIR No. 0088 dated 08.05.2021, registered under Sections 353, 186 of Indian Penal Code at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

15.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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