

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

**CRM-M-59315-2022
Date of Decision: 20.04.2023**

Sukhwinder Singh @ Dudda and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

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

Mr. Kirti Kumar, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

1. Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.187 dated 10.09.2022 (Annexure P-1), under Sections 148, 149, 323, 324, 452 and 506 of the Indian Penal Code, registered at Police Station Kharar, District S.A.S. Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 30.09.2022 (Annexure P-2) arrived at between the parties.

2. Vide order dated 19.12.2022, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the

compromise.

3. In compliance thereof, the Judicial Magistrate Ist Class, Kharar, has submitted report dated 21.01.2023, 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:-

“ - x - x - x -

Hence, in these circumstances, from above statements, it is humbly submitted that:-

- 1. There are six persons arrayed as accused in the present FIR and the said persons were involved during investigation.*
- 2. The present case is under investigation.*
- 3. No accused has been declared Proclaimed offender in the case.*
- 4. The accused persons are not involved in any other case.*
- 5. All the concerned have signed the compromise deed.*
- 6. From statement of above persons, ex-facie, it transpires that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused.*
- 7. As per the statement of I.O. there is only one victim/complainant namely Chhoti Kaur.*

- x - x - x -”

4. A perusal of the said report would show that statements of all the concerned persons have been recorded in the present case, who have stated that the matter has been compromised and they have no objection in

case FIR in question is quashed.

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

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

7. I have heard learned counsel for the parties and perused the files.

8. 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, Kharar, and also his report dated 21.01.2023, 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.

9. 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.

10. 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.

11. Accordingly, this petition is allowed. FIR No.187 dated 10.09.2022 (Annexure P-1), under Sections 148, 149, 323, 324, 452 and 506 of the Indian Penal Code, registered at Police Station Kharar, District S.A.S. Nagar 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.

12. Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

13. All pending application(s), if any, shall stand disposed of.

20.04.2023

Apurva

(HARSH BUNGER)
JUDGE

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