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

CRM-M-58980-2022(O&M)

Date of Decision: 24.04.2023

BALJIT SINGH AND ORS.

....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Himani, Advocate for
Mr. Chandan Singh Rana, Advocate
for the petitioners.

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

Mr. V.K. Pujare, 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.143 dated 09.12.2022, under Sections 323, 325, 148, 149 and 506 of Indian Penal Code registered at Police Station Daresi District Police Commissionerate, Ludhiana (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 10.12.2022 (Annexure P-2) arrived at between the parties.

Vide orders dated 16.02.2023, 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 First Class, Ludhiana has submitted its report, vide letter dated 20.04.2023 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:-

“1. It is respectfully submitted that as per record, there are five accused namely Baljit Singh, Vijay, Sawar Singh @ Kukku, Gagandeep Singh and Dara in the present FIR, who found involved during investigation.

2. It is submitted that challan has not been presented in the said FIR.

3. It is further submitted that no accused has been declared as proclaimed offender as per record.

4. It is respectfully submitted that the accused Baljit Singh disclosed his involvement in another four cases i.e.

i) DDR No.59 of 2022 under Section-3 UPRP Act, P.S RPF, Ludhiana

ii) FIR No.12 of 2023 under Section-380, 411 & 457 P.S City-2, Malerkotla.

iii) FIR No.13 of 2023 under Section-380, 411 & 457 P.S City-2, Malerkotla.

iv) FIR No.6 of 2023 under section-457, 380 & 411, P.S City-1, Malerkotla.

And the accused Dara suffered statement regarding his involvement in one another case i.e. DDR No.3 of 2022 under Section-3 UPRP Act, P.S RPF, Ludhiana.

5. It is submitted that as per the statement of parties, the compromise was reduced into writing and the compromise bears the signatures of all the parties.

6. In view of statements given by the parties, this Court is of the considered opinion that compromise effected between complainant Sahil and accused namely Baljit Singh, Vijay, Sawar Singh @ Kukku, Gagandeep Singh and Dara is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.

7. It is further submitted that the statement of IO ASI Nirmal Singh was recorded and as per record, there is only one complainant/victim namely Sahil in the present FIR.”

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

Learned counsel for respondent No.2 has 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 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 considering the entire facts, compromise, the statements of the parties recorded before the Judicial Magistrate First Class, Ludhiana and also the report dated 20.04.2023 submitted by Judicial Magistrate First Class, Ludhiana 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.143 dated 09.12.2022, under Sections 323, 325, 148, 149 and 506 of Indian Penal Code registered at Police Station Daresi District Police Commissionerate, Ludhiana (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.

Disposed of in the aforesaid terms.

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

24.04.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No