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

CRM-M-187-2023

Date of Decision: 20.02.2023

Himanshu Dhiman @ Monti and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Prabhjot Singh Waraich, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab
for respondent No.1/State.

Mr. Johnny, Advocate for
Mr. Arvind Kashyap, Advocate
for respondents No.2 to 4.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.243 dated 21.09.2014 (Annexure P-1), registered under Sections 323, 427, 452, 506 and 34 of Indian Penal Code, 1860, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom on the basis of compromise dated 20.12.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 09.01.2023 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 Sub Divisional Judicial Magistrate, Almoh has submitted a consolidated report vide letter dated 23.01.2023 which indicates that the parties appeared before the Sub Divisional Judicial

Magistrate, Almoh 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:-

“Para-wise report is submitted as follows:-

- a) As per FIR, Ex. PW4/B on the file, only two persons namely Himanshu Dhiman and Komal have been arrayed as accused and they have been found involved during investigation.*
- b) As per the file, the case titled as "State vs. Himanshu Dhiman" is pending in this court at the stage of evidence of prosecution.*
- c) As per statements of the above mentioned persons, accused Himanshu Dhiman and Komal are not proclaimed offenders.*
- d) As per statement of ASI Jagdeep Singh, only one FIR no.106 dated 28.05.2015, P.S. Mandi Gobindgarh is pending against the accused of this case. It is further reported that the said FIR is also between same parties and compromise report has been sent to Hon'ble Punjab & Haryana High Court in quashing of said FIR also.*
- e) Compromise deed dated 17.12.2022, Annexure A-1, is signed by all the parties to the litigation viz. Himanshu Dhiman, Komal Dhiman, Bal Krishan and Usha Rani.*
- f) The compromise effected between the parties appear to be genuine and voluntary being result of their free will.*
- g) As per statement of ASI Jagdeep Singh, Bal Krishan and Usha Rani are the injured/victim in the present case/FIR.”*

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 respondents No.2 to 4 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.

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

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 Sub Divisional Judicial Magistrate, Almoh, and also the report dated 23.01.2023 submitted by Sub Divisional Judicial Magistrate, Almoh 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.243 dated

21.09.2014 (Annexure P-1), registered under Sections 323, 427, 452, 506 and 34 of Indian Penal Code, 1860, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, are quashed on the basis of compromise dated 20.12.2022 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.

20.02.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No