

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60860-2022 (O&M)
Reserved on: 01.02.2023
Pronounced on: 21.02.2023

Himanshu Dhiman @ Monti & another
... Petitioner(s)
Versus
State of Punjab & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. P.S. Waraich, Advocate
for the petitioner(s).

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Johny, Advocate for
Mr. Arvind Kashyap, Advocate
for respondent nos.2 to 4.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
106	28.5.2015	Mandi Gobindgarh	323, 341, 506 and 34 IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved persons as respondent nos.2 to 4.
4. This court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	Sub Divisional Judicial Magistrate, Amloh
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FIR No.	Dated	Police Station	Sections
106	28.5.2015	Mandi Gobindgarh	323, 341, 506 and 34 IPC

Criminal Case no. before trial Court	CHI-166-2015
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	As per FIR on the file only one person namely Himanshu Dhiman has been arrayed as accused and he has been found involved during investigation.
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	16.01.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Complainant is identified by Sh. R.G. Sharda, Advocate. He also produced copy of his aadhar card as Annexure-A2.
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No. The compromise appears to be voluntarily and out of free will of parties.
6.	Names of the accused person(s)	Himanshu Dhiman @ Monti is the only accused challaned in the case.
7.	Dates on which the statement(s) of the accused persons(s) recorded	16.01.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Yes, the case is pending at the stage of evidence of prosecution.
11.	Notice of accusation /Charges have been framed or not?	Yes
12.	Sections of statutes invoked in the matter	The accused is charge-sheeted u/s 323, 506, 341, 34 IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes. The compromise appears to be genuine.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, all the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.
7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.
8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated.”
9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

February 21, 2023
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Whether speaking/reasoned	:	Yes
Whether reportable	:	No