

2024:PHHC:054183

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

279-1

CRM-M-1060-2024

Date of Decision : April 22, 2024

VIPUL SHARMA AND ANOTHER

-PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rohit Sapehiya, Advocate
for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Kripal Singh, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioners crave for the hereinafter extracted relief(s):-

“Quashing of the FIR No.30 dated 25.03.2023 (Annexure P1), under Sections 406, 420, 120-B of the IPC, registered at P.S. Phase 11, District S.A.S. Nagar, along with all the consequential proceedings arising therefrom, on the basis of Compromise Deed dated 02.06.2023 (Annexure P4).”

2. Upon an affirmative response from the learned counsel for the respondent No.2 *qua* the compromise (Annexure P4), this Court had, through drawing an order on 10.01.2024 upon the instant petition, besides issuing notice, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P4). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (supra), the parties appeared before the Judicial Magistrate 1st Class, S.A.S. Nagar and got their respective statements recorded, thereby authenticating the compromise (Annexure P4). Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the Judicial Magistrate 1st Class, S.A.S. Nagar, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled “**Abhishek Singh & others V/s State of Punjab & others**”, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;

b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The

pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby **allowed**.

7. Resultantly, FIR No.30 dated 25.03.2023 (Annexure P1), under Sections 406, 420, 120-B of the IPC, registered at P.S. Phase 11, District S.A.S. Nagar, along with all the consequential proceedings arising therefrom, is hereby **quashed** on the basis of Compromise Deed dated 02.06.2023 (Annexure P4), subject to cost of Rs.5,000/- being forthwith deposited by the petitioners with the District Legal Services Authority concerned.

April 22, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No