

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:035560

CRM-M No. 1617 of 2024 (O&M)

Date of decision : March 12, 2024

Palwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI

Present :- Mr. Ketan Chopra, Advocate
for the petitioners.

Mr. Raghav Garg, AAG., Punjab.

Mr. Amandeep Singh, Advocate
for respondent Nos. 2 to 5.

KULDEEP TIWARI, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0047 dated 07.05.2019 under Sections 323, 324, 506,148 and 149 IPC, registered at Police Station Rahon and all other subsequent proceedings arising therefrom, on the basis of a compromise.

2. Learned counsel appearing on behalf of the petitioner submits that subsequent to registration of the FIR in question, the parties had settled their differences and arrived at an amicable settlement in the National Lok Adalat.

2. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise (Annexure A) arrived at between the parties in Natinal Lok Adalat, this Court, through an order drawn on dated 12.01.2024 upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/*Illaq*a Magistrate concerned, for getting their respective

statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/*Illaq*a Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (*supra*), the parties appeared before the learned Addl. Chief Judicial Magistrate, Shaheed Bhagar Singh Nagar and got their respective statements recorded, thereby authenticating the statements and compromise (Annexure A). Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No. 205/COSD/A21, dated 07.03.2024, has been received from the Addl. Chief Judicial Magistrate, Shaheed Bhagar Singh Nagar wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*), being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

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

6. 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.”*

7. 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 of 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, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby **allowed**.

8. Resultantly, FIR No.0047 dated 07.05.2019 under Sections 323, 324, 506,148 and 149 IPC, registered at Police Station Rahon and all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure A) is quashed, subject to the payment of costs of Rs.5,000/-, to be forthwith deposited with the District Legal Services Authority concerned, to be deposited by the petitioners.

(KULDEEP TIWARI)
JUDGE

March 12, 2024
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Whether speaking/reasoned
Whether Reportable :

Yes
No