

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

242

CRM-M No.1877 of 2024  
Date of Decision: 03.05.2024

SUKHDEV SINGH AND ANOTHER .....Petitioner(s)

Vs

STATE OF PUNJAB AND ANOTHER ....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Tanvir Joshi, Advocate  
for the petitioner(s).

Mr. Siddharth Sandhu, Asstt. A.G., Punjab.

Mr. B.S. Aulakh, Advocate  
for respondent No.2.

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**HARKESH MANUJA, J. (Oral)**

1. By way of present petition filed under Section 482 Cr.P.C., prayer is made for quashing of FIR No.54 dated 28.09.2023 registered under Sections 306, 34 IPC at Police Station Smalsar, District Moga, along with all consequential proceedings arising therefrom on the basis of compromise.
2. This Court, while issuing notice of motion vide order dated 24.01.2024, directed both the parties to appear before the Trial Court/Illaq Magistrate for recording their statements with regard to the validity of compromise.
3. In pursuance of the aforesaid order dated 24.01.2024, a report dated 06.03.2024 has been received from the concerned court, stating that compromise

effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties. In support, learned counsel relies upon a judgment dated 05.12.2023 passed by Co-ordinate Bench in CRM-M-24830-2023 titled as “Ashutosh Shiv and others versus State of Punjab and others”.

5. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature; thus, opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the contents of the FIR, the compromise and the report dated 06.03.2024 has been received from the Court concerned. Although, quashing of FIR has been sought on the basis of compromise, however, even on merits, perusal of the contents thereof if taken to be at their face value, offence under Section 306 IPC is not made out against the petitioners. From a perusal of the accusations made in the FIR, the abetment on the part of petitioners is not even *prima facie* made out while no specific instances and attributions delineated therein, as the primary reason for the father of complainant to have committed suicide as projected in the

FIR appears to be a property dispute between the complainant and her sister i.e petitioner No.2.

7. Moreover, the parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in **Kulwinder Singh & Ors. Vs. State of Punjab, 2007(3) RCR (Criminal) 1052** and **Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.**

8. Thus, in view of the discussions made hereinabove besides the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is **allowed** and the FIR (supra) as also consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

9. The aforesaid order shall, however, be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Nishkam Sewa Group (for Charitable Work) Run by Punjab & Haryana High Court Lawyers at Chandigarh, within a period of two weeks from today.

May 03, 2024  
Atik

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |