

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

285-2

CRM-M-7378-2024

Date of Decision : April 22, 2024

PANKAJ SAINI AND OTHERS

-PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Abhishek K. Kathpal, Advocate
for the petitioners.

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

Mr. Sanjeeva K Uppal, Advocate
for the respondents No.2 to 4.

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 DDR No.33 dated 03.12.2023 (Annexure P-1), under Sections 323, 324, 148, 149 of the IPC, registered at P.S. Behrampur, District Gurdaspur, in FIR No.76 dated 28.11.2023 (Annexure P-2), under Sections 323, 324, 148, 149 of the IPC, registered at P.S. Behrampur, District Gurdaspur, along with all consequent proceedings arising therefrom, on the basis of a Compromise Deed dated 20.01.2024 (Annexure P3).”

2. Upon an affirmative response from the learned counsel for the respondents No.2 to 4 *qua* the compromise (Annexure P3), this Court had, through drawing an order on 06.03.2024 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 P3). Moreover, the trial Court/Illaqa 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 (First Class), Gurdaspur and got their respective statements recorded, thereby authenticating the compromise (Annexure P3). Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the Judicial Magistrate (First Class), Gurdaspur, 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 DDR (supra) is hereby **allowed**.

7. Resultantly, DDR No.33 dated 03.12.2023 (Annexure P-1), under Sections 323, 324, 148, 149 of the IPC, registered at P.S. Behrampur, District Gurdaspur, in FIR No.76 dated 28.11.2023 (Annexure P-2), under Sections 323, 324, 148, 149 of the IPC, registered at P.S. Behrampur, District Gurdaspur, along with all consequent proceedings arising therefrom, is hereby **quashed** on the basis of a Compromise Deed dated 20.01.2024 (Annexure P3), subject to cost of Rs.5,000/- being forthwith deposited by the petitioners with the District Legal Services Authority concerned.

April 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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