

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(289)

CRM-M-7830-2024

Date of Decision:-April 09, 2024

Sikander Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Kuldip S. Chaudhary, Advocate for the petitioners.

Mr. R.S. Bhatta, DAG, Punjab.

None for respondent No. 2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No.156** dated **17.08.2015** under Sections **308, 323, 148, 149** of the Indian Penal Code, 1860, registered at Police Station SAS Nagar Mohali (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 10.12.2015 (Annexure P-2) and 07.12.2023 between the parties.

2. At the outset, learned counsel for the State on instructions from ASI Kulwinder Singh, has submitted that Sections 308, 148 and 149 IPC have been deleted and Section 34 IPC was added as there was no cogent evidence to substantiate the allegations that there was any axe blow on the head of the victim.

3. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 14.02.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements

recorded in that regard. Pursuant thereto, a report dated 18.03.2024 has been received from the Judicial Magistrate 1st Class, Kharar, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

4. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal proceedings in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases *Gian Singh v. State of Punjab and another* 2012(10) SCC 303 and *Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406 that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

5. Consequently, this petition is allowed. **FIR No.156** dated **17.08.2015** under Sections **308, 323, 148, 149** of the Indian Penal Code, 1860, (Section 308, 148 and 149 IPC deleted and Section 34 IPC added later on) registered at Police Station SAS Nagar Mohali (Annexure P-1), and all other subsequent proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 25,000/- to be deposited by the petitioners jointly and Rs. 10,000/- to be deposited by respondent No.2 within one month from today in *Poor Patients Welfare Fund, PGIMER, Chandigarh*.

(ALOK JAIN)
JUDGE

April 09, 2024
Parul