

CRM-M-9150-2023

2024:PHHC:010692

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

255

CRM-M-9150-2023

Date of Decision : January 25, 2024

KAMAL KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manoj Singh, Advocate for
Mr. Sidhant Vermani, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.205 dated 5.8.2020, under Sections 427/506 of the IPC, read with Sections 3 and 4 of the Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, registered at P.S. Civil Lines, District Amritsar, alongwith all the consequential proceedings arising therefrom, on the basis of a compromise deed dated 3.2.2023 (Annexure P-3), as entered into *inter se* the petitioner and respondent No.2/complainant.

2. Upon an affirmative response from the learned counsel for respondent No.2/complainant *qua* the compromise (Annexure P-3), a Co-ordinate Bench of this Court had, directed the parties to appear before the learned trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-3). 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 learned Judicial Magistrate 1st Class, Amritsar and got their respective statements recorded, thereby authenticating the compromise (Annexure P-3). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.226 dated 17.8.2023 has been received from the learned Judicial Magistrate 1st Class, Amritsar, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner without any pressure or coercion.

4. Though in the present case, the petitioner was declared as a proclaimed offender, however, since he has evidently surrendered before the learned trial Court concerned, therefore, the order declaring the petitioner as a proclaimed offender, does not survive longer.

5. This Court has heard learned 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 petitioner/accused has 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.205 dated 5.8.2020, under Sections 427/506 of the IPC, read with Sections 3 and 4 of the Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, registered at P.S. Civil Lines, District Amritsar, alongwith all the consequential proceedings arising therefrom, on the basis of a compromise (Annexure P-3), is quashed.

(KULDEEP TIWARI)
JUDGE

January 25, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No