

**CRM-M-9914-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****274****CRM-M-9914-2024****Date of Decision: 17.09.2024****SHAMSHER SINGH AND ORS****....Petitioners*****Versus*****STATE OF PUNJAB AND ANR****.....Respondents****CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.**

Present: Mr. Bhupinder Ghai, Advocate for the petitioners.

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

GURBIR SINGH, J (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0087 dated 01.04.2021 under Sections 420, 406, 120-B IPC registered at Police Station Patran, District Patiala and all subsequent proceedings arisen thereto on the basis of compromise dated 26.08.2023 (Annexure P-2)

2. This Court, vide order dated 27.02.2024 had directed the parties to appear before the trial Court/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.

3. In compliance thereof, report dated 15.04.2024 from learned Judicial Magistrate Ist Class, Samana, has been received through the

**CRM-M-9914-2024****2**

District & Sessions Judge, Patiala with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

4. Today none has put in appearance on behalf of respondent No.2-complainant, namely, Raj Pal Khurmi, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 13.03.2024.

5. Learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

6. I have heard learned counsel for the parties and have gone through the record.

7. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012)***

10 SCC 303, this petition is allowed and FIR No.0087 dated 01.04.2021



CRM-M-9914-2024

3

under Sections 420, 406, 120-B IPC registered at Police Station Patran,
District Patiala and all subsequent proceedings arising therefrom are
quashed qua the petitioners on the basis of compromise dated 26.08.2023
(Annexure P-2).

17.09.2024
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(GURBIR SINGH)
JUDGE

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

**CRM-M-9914-2024****4**

The same is being reproduced as under:-

Stated that I got registered above said FIR no.87 dated 01.04.2021 Under Sections 406,420,120-B IPC, against three accused persons namely Shamsher Singh son of Darshan Singh, Jaswinder Kaur wife of Shamsher Singh r/o. H. No.B-VIII/96, Tellian Wala Mohalla, District Barnala and Preet Pal Kaur daughter of Shamsher Singh now now resident of foreign country Canada. Now the matter has been compromised with above said accused persons with the intervention of respectables and accused have filed quashing petition CRM-M No. 9914 of 2024 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing the above said FIR no.87 dated 01.04.2021, Under Sections 406,420, 120-B IPC, PS Patran. The said compromise is legal, genuine and voluntarily effected with my free will and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against above named accused persons and I have no objection if the present FIR is quashed against the above said accused persons. Total three above named persons are arrayed as accused in this FIR and out of them one of the accused namely Preet Pal Kaur is now residing abroad i.e. Canada and there is no other accused in this FIR. Look Out Circular/ notice was issued vide letter No.3137/CT-2 SAS Nagar dated 29.10.2021 by the investigating agency for presence of accused Preet Pal Kaur. Further none of the accused has been declared as Proclaimed Offender/person, nor any proclamation proceedings are pending against any accused. Challan in this case has been presented and case is fixed for prosecution evidence. The Photostat copy of the compromise is Annexure- C1. Copy of my identity proof is Ex-C1.