

CRM-M-12183-2024

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2024:PHHC:059319

279 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12183-2024

DATE OF DECISION:-30.04.2024

Aryan

...Petitioner..

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. N.S. Dandiwal, Advocate for
Mr. K.S. Saini, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.327 dated 13.07.2023, registered under Sections 379-B(2), 323, 341, 148 and 149 IPC, at Police Station Division No.7, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 16.02.2024 (Annexure P-2).

2. As per the allegations, the petitioner along with his accomplices inflicted injuries to the complainant besides having taken a sum of Rs.7500/- and Vivo mobile.

Though, 04 persons were named in the FIR, however, only one accused i.e. present petitioner approached this Court by way of present

petition.

3. In pursuance of order dated 07.03.2024 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 02.04.2024 has been received from the concerned Court, stating that the compromise between complainant-Sonu Kumar and accused-Aryan seems to be genuine, voluntary and without any coercion. Petitioner has not been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, 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.

5. 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 the 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 direction issued by the 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.***

6. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Moreover, learned counsel for the petitioner on instructions from his client, submit that he volunteers to serve public cause by providing one wheel chair to Civil Hospital, Ludhiana.

8. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.327 dated 13.07.2023, registered under Sections 379-B(2), 323, 341, 148 and 149 IPC, at Police Station Division No.7, Police Commissionerate Ludhiana, District Ludhiana as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

9. Accordingly, petition stands allowed, however, subject to providing one Dr. Abbott, Arcatron Wheel Chair (Folding) 100 kg to the Civil Hospital, Ludhiana, within a period of two weeks from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be

sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

30.04.2024
sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No