

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116-1 CRM-M-1886-2015 (O&M)
Date of Decision : April 30, 2024

GURBAKSHISH SINGH AND ORS -PETITIONERS

V/S

STATE OF PUNJAB AND ANR -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

None for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioners seek quashing of FIR No.12 dated 23.01.2014, under Sections 420/34 of the IPC, registered at P.S. Civil Lines, Bathinda, along with all subsequent proceedings emanating therefrom.
2. What emanates from the record, is that, during pendency of the instant petition before this Court, the parties concerned have settled the dispute, through arriving at a compromise. Moreover, although petitioners No.2 and 3 were, in the FIR (supra), declared “Proclaimed Offenders” by the learned Judicial Magistrate 1st Class, Bathinda, vide order dated 19.07.2018, however, the said proclamation order was assailed by them before this Court, by filing CRM-M-1936-2019, which has been allowed by this Court, vide order of even date.
3. I have heard counsel for the parties and gone through the case file.

4. 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, 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.”*

5. 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 FIR (supra) is hereby **allowed**.

6. Resultantly, FIR No.12 dated 23.01.2014, under Sections 420/34 of the IPC, registered at P.S. Civil Lines, Bathinda, along with all subsequent proceedings emanating therefrom, is hereby **quashed**, on the basis of compromise effected between the parties.

7. Pending application(s) stand disposed of accordingly.

April 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No