

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16235-2024 (O&M)
Reserved on: 06.05.2024
Pronounced on: 10.05.2024

Bhagwan Singh Bajwa & others
... Petitioner(s)
Versus
State of Punjab & another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner(s).

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Neeraj Kalair, Advocate for
Mr. Kulbir Singh Saini, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
129	10.7.2021	Dinanagar, Tehsil Dinanagar, District Gurdaspur	406, 506, 34 IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the aforesaid FIR, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved person as respondent no.2.
4. Vide order dated 05.04.2024, this Court directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements *qua* compromise and

the concerned Court was directed to supply information, as requisitioned in the said order.

5. Pursuant to aforesaid order dated 05.04.2024, report dated 18.04.2024 of Judicial Magistrate Ist Class, Gurdaspur has been received, as per which, the parties have consented to the quashing of FIR and consequent proceedings without any threat or pressure. It is stated that on 06.04.2024, the aggrieved person (R-2) appeared before the said Magistrate and stated that he would have no objection if the Court quashes this FIR and consequent proceedings.

ANALYSIS & REASONING:

6. Despite the opposition of the State's counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, the offence under sections 506 IPC is compoundable whereas offence under Section 406 IPC is compoundable with the permission of the Court under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7. In **Shakuntala Sawhney v Kaushalya Sawhney**, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

8. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

9. In **Himachal Pradesh Cricket Association v State of Himachal Pradesh**, 2018:INSC:1039 [Para 47], 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated."

10. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not

suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings *qua* the petitioner(s). The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

May 10, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No