

CRM-M-21006-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(271)

CRM-M-21006-2023

Date of Decision:-**February 12, 2024**

Gurvinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. J.S. Grewal, Advocate
for the petitioners.

Mr. Siddharth Attri, AAG, Punjab.

Mr. Vishal Sharma, Advocate for
Mr. Gaganvir Singh Gill, Advocate
for respondents No. 2 & 3.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 0091 dated 07.06.2018**, registered under **Sections 307, 452, 427, 323, 148 and 149** of Indian Penal Code, and **Sections 25 and 27** of the Arms Act (**Section 307** IPC and **Sections 25 and 27** of the Arms Act deleted later on and **Sections 201 and 336** IPC added later on) at Police Station Sardulgarh, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 16.11.2022 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 27.04.2023 directed the parties to

CRM-M-21006-2023

appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 07.12.2023 has been received from the Sub-Divisional Judicial Magistrate, Sardulgarh, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

3. Learned State Counsel and learned counsel appearing on behalf of respondents No.2 and 3 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal proceedings in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases ***Gian Singh v. State of Punjab and another* 2012(10) SCC 303** and ***Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406** that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

5. The Hon'ble Apex Court in the case of ***"State of Madhya Pradesh Vs. Laxmi Narayan"* (2019) 5 SCC 688**, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in respect of non compoundable offences which are private in nature and do not have serious impact on society.

6. Keeping in view the law laid down by the Hon'ble Apex Court in the aforesaid judgment, it is crystal clear that the dispute where the

CRM-M-21006-2023

wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings if it is known that because of compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustices, if despite settlement having been arrived at between the parties, the criminal proceedings are allowed to continue.

7. In light of the above, the present petition stands allowed and **FIR No. 0091 dated 07.06.2018**, registered under **Sections 307, 452, 427, 323, 148 and 149** of Indian Penal Code, and **Sections 25 and 27** of the Arms Act (**Section 307** IPC and **Sections 25 and 27** of the Arms Act deleted later on and **Sections 201 and 336** IPC added later on) at Police Station Sardulgarh, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 1,00,000/- to be deposited by the petitioners jointly and Rs. 25,000/- to be deposited by respondents No.2 & 3 jointly within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

February 12, 2024
Parul

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