2024:PHHC:009979

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122-3 **CRM-M-40024-2018**
Date of Decision : January 24, 2024

GURJINDER SINGH AND ANR. **-PETITIONERS**

V/S

STATE OF PUNJAB AND ANR. **-RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Digvijay Nagpal, A.A.G., Punjab.

Mr. Vinay Puri, Advocate
for the respondent No.2.

***

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioners crave for the hereinafter extracted relief(s):-

> *"Quashing of the FIR No.82 dated 25.06.2017 (Annexure P-1), under Sections 323, 324, 34 of the IPC, registered at P.S. Lambran, District Jalandhar Rural, along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2), as entered into inter se the parties before this Court."*

2. A Co-ordinate Bench of this Court had directed the parties to appear before the trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaqa Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (supra), the parties

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2024.01.25 17:31
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appeared before the Judicial Magistrate 1st Class, Jalandhar and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.04 dated 24.01.2019 has been received from the Judicial Magistrate 1st Class, Jalandhar, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. 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,** while granting a similar relief, as craved in the instant petition, 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*

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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."

6. 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 of the FIR (supra), is hereby allowed.

7. Resultantly, the FIR No.82 dated 25.06.2017 (Annexure P-1), under Sections 323, 324, 34 of the IPC, registered at P.S. Lambran, District Jalandhar Rural, along with all consequential proceedings arising therefrom, is hereby quashed, on the basis of compromise (Annexure P-2).

(KULDEEP TIWARI)
JUDGE

January 24, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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