

2024:PHHC:131048



260.

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

CRM-M-21906-2024

Date of decision: 01.10.2024

Mamta and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioners.

Mr. Rajinder Singh Bhatta, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

GURBIR SINGH, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.19, dated 02.03.2023, under Sections 326, 324, 323, 148, 149 of IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 30.11.2023 (Annexure P-2).

2. This Court, vide order dated 02.05.2024, had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.

3. In compliance thereof, report dated 31.07.2024 from learned Judicial Magistrate Ist Class, Batala, has been received through the District & Sessions Judge, Gurdaspur, with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

4. Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rajinder Masih, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 24.07.2024. The same is reproduced as under:-

“Stated that the present FIR bearing no.19 dated 02.03.2023 under section 326/324/323/148/149 IPC, Police Station Qila Lal Singh, District Batala, District Gurdaspur was registered against the accused namely Mamta wife of Rajinder Masih, Ninder wife of Jaspal Masih, Jaspal Masih son of Sharif Masih, Prem Masih @ Goldy son of Jaspal Masih, Azik Masih son of Jaspal Masih, Deepak @ Deepu son of Jaspal Masih and Asish Masih @ Ashu son of Lala Masih on my statement. Now I have compromised the matter with accused above named with the intervention of the respectables vide compromise deed dated 30.11.2023. Original of said compromise deed is attached with petition filed before Hon'ble High Court. I have no objection if FIR bearing no. 19 dated 02.03.2023 under section 326/324/323/148/149 IPC, Police Station Qila Lal Singh, District Batala, District Gurdaspur, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my Aadhar card is Ex. C1. Further,

compromise effected between me and accused is not having any adverse effect on the rights of any third party.”

5. Learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

6. I have heard learned counsel for the parties and have gone through the record.

7. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.19, dated 02.03.2023, under Sections 326, 324, 323, 148, 149 of IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are

quashed qua the petitioners on the basis of compromise dated 30.11.2023
(Annexure P-2).

(GURBIR SINGH)
JUDGE

October 01, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No