

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.25383 of 2023 (O&M)
Date of Decision: 19.04.2024

NITISH GHAI

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.H.S.Bhogal, Advocate
for Mr. G.S.Virk, Advocate for the petitioner.

Mr.Siddharth Sandhu, AAG, Punjab.

Mr.Vikas, Advocate for the complainant.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.118 dated 30.03.2015, registered under Sections 323, 452, 382, 427, 506, 149 IPC, at P.S. Jodhewal, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 30.11.2022 (Annexure P-2).

[2]. The FIR in question was registered on the basis of complaint made by respondent No.2 to the effect that the present petitioner along with his accomplices indulged in an altercation with him on the ground of parking of vehicle on the road but with the intervention of PCR team, were sent back. However, later on the petitioner along with his accomplices beat him up and also gave him kick blows in his abdomen. They also pelted brick bats

on the complainant, his father and two other persons. It was also alleged that the petitioner along with other co-accused came outside his house and inflicted a *Daat* blow on his head and snatched a mobile phone and an amount of Rs. 25,890/-.

[3]. In pursuance to order dated 20.01.2024 passed by this Court, whereby the parties were directed to appear before the *Illaq*a Magistrate/Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 28.03.2024 has been received from the concerned court, stating that the compromise is genuine, voluntary and without any coercion or undue influence. The petitioner-accused has not been declared as proclaimed offender.

[4]. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR *qua* the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

[5]. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains

for the Trial Court to invest further time and effort in adjudicating this FIR.

The compromise in question is even found to be fully in consonance with the direction issued by the Court in the case(s) of **Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052** and **Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.**

[6]. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in the case of **Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in the case(s) of **Joginder Singh & another Vs. State of Punjab and another**, passed in **CRM-M No.23739 of 2010** decided on 27.04.2011, **Rajinder Singh Vs. State of Punjab & another**, passed in **CRM-M No.37395 of 2016** decided on 16.05.2017 and **Vimal Kalra & others Vs. State of Punjab & another**, passed in **CRM-M No.20355 of 2022**, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

[7]. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.118 dated 30.03.2015, registered under Sections 323, 452, 382, 427, 506, 149 IPC, at P.S. Jodhewal, District Ludhiana and all other subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

[8]. Accordingly, petition stands allowed, however, subject to petitioner's providing two stretchers with I.V. stand in Civil Hospital,

Ludhiana, within a period of one week from today against a proper receipt which shall be presented before the trial Court.

April 19, 2024
sunita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(HARKESH MANUJA)
JUDGE