



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27872-2024

Date of Decision :06.08, 2024

SARWAN SINGH ALIAS SOMA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Hari Pal, Advocate,
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. A.P.S.Sandhu, Advocate,
for respondents no.2 and 3.

KULDEEP TIWARI, J.(Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.14, dated 31.01.2021, under Sections 279 and 427 of the IPC, registered at Police Station Phase-11, District SAS Nagar, Mohali, and all consequent proceedings arising therefrom, on the basis of a compromise dated 21.05.2024 (Annexure P-2), as entered into *inter se* the petitioner and respondents no.2 and 3.

2. Upon an affirmative response from the learned counsel for respondents no.2 and 3 *qua* the compromise (*supra*), a co-ordinate bench of this Court, through an order drawn on dated 29.05.2024, upon the

instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/*Illaq*a Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (*supra*). Moreover, the learned trial Court/*Illaq*a Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, and got their respective statements recorded, thereby authenticating the compromise (*supra*). Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No.650, dated 03.08.2024, has been received from the learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*), being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. This Court has heard counsel for the parties concerned, and gone through the entire 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 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 petitioner/accused has been charged, are not of 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, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (*supra*) is hereby **allowed**.

7. Resultantly, FIR No.14, dated 31.01.2021, under Sections 279 and 427 of the IPC, registered at Police Station Phase-11, District SAS Nagar, Mohali, alongwith all other consequential proceedings arising therefrom, on the basis of compromise (*supra*) is **quashed**, subject to the payment of costs of Rs.5,000/-, to be forthwith deposited with the District Legal Services Authority concerned, by the petitioner.
8. All pending application(s), if any, also stands disposed of.

August 06, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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