

2024:PHHC:107620



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

CRM-M-28946-2024

Date of Decision: 21.08.2024

Arsh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Anil Shukla, Advocate
for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

Ms. Malvika Chauhan, Advocate
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.39 dated 01.05.2024 under Sections 323/452/506/325/34 of IPC, 1860 registered at Police Station City Kurali, SAS Nagar and all subsequent proceedings on the basis of compromise/affidavit dated 17.05.2024 (Annexure P-1).

2. This Court, vide order dated 31.05.2024 had directed the parties to appear before the trial Court/Duty 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 06.08.2024 from learned Judicial Magistrate Ist Class, Kharar has been received through the District & Sessions Judge, SAS Nagar, Mohali 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. Learned counsel appearing on behalf of respondent No.2-complainant has not disputed the factum of compromise.

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.39 dated 01.05.2024 under Sections 323/452/506/325/34 of IPC, 1860 registered at Police Station City Kurali, SAS Nagar and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.05.2024 (Annexure P-1).

21.08.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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