

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254 CRM-M-30835-2019
Date of Decision : January 15, 2024

GURSEWAK SINGH AND ANR -PETITIONERS

V/S

STATE OF PUNJAB AND ANR -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Akash Deep Sethi, Advocate
for the petitioner.

Mr. Jashandeep Singh, A.A.G., Punjab.

Mr. Abhivadya Sood, 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.45 dated 03.06.2018, under Section 420 of the IPC, registered at P.S. Khuian Sarwar, District Fazilka, on the basis of compromise dated 28.09.2018 (Annexure P-2), as entered into inter se the parties before this Court.”

2. Upon an affirmative response from the learned counsel for the respondent No.2 qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 22.07.2019, upon the instant petition, besides issuing notice, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaq 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 Judicial Magistrate Ist Class, Abohar 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.1126 dated 28.08.2019 has been received from the Judicial Magistrate Ist Class, Abohar, 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 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 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 and 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.45 dated 03.06.2018, under Section 420 of the IPC, registered at P.S. Khuian Sarwar, District Fazilka, along with all consequential proceedings arising therefrom, is hereby quashed, on the basis of compromise dated 28.09.2018 (Annexure P-2).

January 15, 2024
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(KULDEEP TIWARI)
JUDGE

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