

266 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41948-2023

DATE OF DECISION:-30.04.2024

Riyal Lehry and another

...Petitioners..

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vinay Puri, Advocate for the petitioners.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Amandeep Singh, Advocate for
Ms. Davinder Kaur Sidhu, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.92 dated 17.07.2021, registered under Sections 341, 324, 323, 34 IPC, at Police Station Division No.1, Police Commissionerate Jalandhar, District Jalandhar (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise deed dated 12.07.2023 (Annexure P-2).

2. As per the allegations, the petitioners inflicted injuries to the complainant with their respective weapons.

Though, 03 persons were named in the FIR, however, only two accused i.e. present petitioners have approached this Court by way of present petition and third accused namely, Vipin Kumar wishes to file separate petition.

3. In pursuance of order dated 04.03.2024 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 16.04.2024 has been received from the concerned Court, stating that the compromise is genuine, voluntary and without any coercion or undue influence, qua them. No accused has been declared as proclaimed person.

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 petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the 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 ***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 ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Moreover, learned counsel for the petitioners on instructions from his clients, submit that they volunteer to deposit a cost of Rs.5000/- with the Nishkam Sewa Group (For Charitable Work) run by Punjab & Haryana High Court Lawyers at Chandigarh.

8. 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.92 dated 17.07.2021, registered under Sections 341, 324, 323, 34 IPC, at Police Station Division No.1, Police Commissionerate Jalandhar, District Jalandhar as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

9. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioners with the Nishkam Sewa Group (For Charitable Work) run by Punjab & Haryana High Court Lawyers at Chandigarh, within a period of two weeks from today from the date of receipt of certified copy of this order.

30.04.2024

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No