

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40669-2024 (O&M)

Reserved on: 04.10.2024

Date of Pronouncement: 16.10.2024

George Subh @ Kamal and another

... Petitioner(s)

Versus

State of Punjab and another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Shubham Thakur, Advocate for
Ms. Kashish Thakur, Advocate
for the petitioners.

Mr. Sumbhav Parmar, Advocate for
Mr. Angad Sharma, Advocate
for respondent No.2.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
64	17.08.2022	Begowal, District Kapurthala	323, 325, 506, 34 IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 528 BNSS, 2023 for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved persons.

2. During the pendency of the criminal proceedings, the accused and the aggrieved persons, who have got registered cross-cases against each other, have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved persons as respondent no.2.

4. Pursuant to order of this Court dated 22.08.2024, the aggrieved persons (Respondent no.2), appeared before the Sub Divisional Judicial Magistrate, Bholath and stated that there would be no objection if the Court quashes this FIR and consequent

proceedings. The relevant extract of the report of the concerned Court reads as follows:

Name of the reporting Court	SDJM, Bholath	
Criminal Case no. before trial Court	---	
1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Lakhbir Chand and Baljinder Singh
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	05.09.2024
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	George Shubh @ Kamal AND Lakhwinder Singh
7.	Dates on which the statement(s) of the accused persons(s) recorded	05.09.2024
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Yes
11.	Notice of accusation /Charges have been framed or not?	No
12.	Sections of statutes invoked in the matter	323, 325, 506, 34 IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. Despite the severe opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition: -
- a) The accused and the private respondent 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 aggrieved person has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondent 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 FIR and all consequential proceedings is justified to secure the ends of justice.

6. In the present case, all the offences are compoundable under Section 359 BNSS, 2023. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7. In *Shakuntala Sawhney v Kaushalya Sawhney*, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

8. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

9. In *Himachal Pradesh Cricket Association v State of Himachal Pradesh*, **2018:INSC:1039 [Para 47]**, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once

we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated.”

10. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 528 BNSS, 2023 and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner(s) are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

October 16, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No