

CRM-3607-2024 in/and
CRM-M-44202-2023

2024:PHHC:015311

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CRM No.3607 of 2024 in/and
CRM-M No.44202 of 2023
Date of Decision: 05.02.2024

VIJAY KUMAR JANGIDPetitioner(s)
Vs
STATE OF PUNJAB AND ANOTHERRespondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Varun Sharma, Advocate for the petitioner(s).

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

Mr. Chirag Suri, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

CRM No.3607 of 2024

Prayer made in the application filed under Section 482 Cr.P.C., is for
preponing the date of hearing.

Notice in the application.

On asking of the Court, Mr. Shubham Kaushik, Asstt. A.G., Punjab
accepts notice on behalf of the respondent/State and Mr. Chirag Suri, Advocate
accepts notice on behalf of respondent No.2.

Upon hearing learned counsel for the parties and for the reason
mentioned in the application, the same is allowed. Date of hearing of the main case
is preponed and is taken up today.

CRM-M No.44202 of 2023

1. By way of present petition filed under Section 482 Cr.P.C., prayer is
made for quashing of FIR No.90 dated 26.05.2022 registered under Sections 408,
420 and 120-B IPC (Sections 201, 465, 467, 468 IPC added later on) at P.S.

Division No.6 , Police Commissionerate, Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 20.12.2022 (Annexure P-2).

2. Notice of motion was issued on 05.09.2023 and both the parties were directed to appear before the Trial Court/Illaqa Magistrate for recording their statements with regard to the validity of compromise.

3. In pursuance of the aforesaid order dated 05.09.2023 passed by this Court, whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 26.10.2023 has been received from the concerned court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

4. Thus 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 petitioner(s); there does not appear to be any impediment as regards quashing of present FIR qua the petitioner(s). Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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. Moreover, the present FIR has already been quashed qua the co-accused namely Mukesh Kumar Jhja and Sunil Kumar vide orders dated 19.04.2023 and 24.07.2023 passed in CRM-M No.36317 of 2022 and CRM-M No.26371 of 2023 respectively.

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. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.90 dated 26.05.2022 registered under Sections 408, 420 and 120-B IPC (Sections 201, 465, 467, 468 IPC added later on) at P.S. Division No.6 , Police Commissionerate, Jalandhar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner(s).

7. Accordingly, petition stands allowed however subject to payment of cost(s) of Rs.5,000/- to be deposited by the petitioner(s) with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

February 05, 2024
Atik

Whether speaking/reasoned
Whether reportable

(HARKESH MANUJA)
JUDGE
Yes/No
Yes/No