

2024:PHHC:108958



276.

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

CRM-M-48068-2024

Date of decision: 22.08.2024

Gurdev Singh

.... Petitioner

Versus

State of Chandigarh (UT) and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: None for the petitioner.

Mr. Sidakmeet Singh Sandhu, Additional Public Prosecutor,
U.T., Chandigarh, for respondent No.1.

None for respondent No.2.

GURBIR SINGH, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.144, dated 14.06.2019, under Sections 341, 323, 324, 506 of IPC, registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 03.07.2023 (Annexure P-2).

2. This Court, vide order dated 23.05.2024, had directed the parties to appear before the trial Court/Illaq 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 12.07.2024 from learned Judicial Magistrate Ist Class, Chandigarh, has been received through the District & Sessions Judge, Chandigarh, 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. Though today there is no representation on behalf of respondent No.2-complainant, but he has already made a statement with regard to compromise with the petitioner-accused, before the learned Magistrate on 12.06.2024. The same reads as under:-

“I have got registered case bearing FIR No.144 dated 14.06.2019 under Sections 341, 323, 324 and 506 of IPC at Police Station Sector 34, Chandigarh against accused person namely Gurdev Singh. I have compromised the matter with the accused person. I have no objection if the above-mentioned FIR is quashed in view of the compromise entered into between me and the accused namely Gurdev Singh. I am giving the present statement with my free will, consent and without any pressure from anyone. The compromise between me and the accused is genuine, without any coercion or undue influence. I am the only complainant/aggrieved person/victim in the above-mentioned case and there is no other accused other than the accused mentioned above. I am producing my both the Aadhaar Cards in the Court and the copies of the same are Ex.C-1 and Ex.C-2 respectively.”

5. Learned counsel appearing on behalf of respondent No.1-UT, Chandigarh submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

6. In view of above, since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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.144, dated 14.06.2019, under Sections 341, 323, 324, 506 of IPC, registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 03.07.2023 (Annexure P-2).

(GURBIR SINGH)
JUDGE

August 22, 2024
sanjeev

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