

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49361-2024 (O&M)

Reserved on: 07.11.2024

Date of Pronouncement: 18.11.2024

Krishan Lal & others

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- None for the petitioner(s).

Mr. Jasjit Singh, DAG, Punjab.

None for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
125	27.9.2011	City Jalalabad, District Fazilka	452, 326, 323, 324, 34 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person(s).

2. During the pendency of the criminal proceedings, the accused and the aggrieved person(s) have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioner(s) 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 3.10.2024, the aggrieved person(s) (Respondent no.2, appeared before the Sub Divisional Judicial Magistrate, Jalalabad 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	Sub Divisional Judicial Magistrate, Jalalabad
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Criminal Case no. before trial Court	CIS No.CHI-4-2024	
1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Chhinder Kaur
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	21.10.2024
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)	Krishan Lal Sharma; Raj Rani Miti Bai and Balvir Singh
7.	Dates on which the statement(s) of the accused persons(s) recorded	21.10.2024
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	326, 324, 323, 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.

5. An analysis of the FIR reveals that there are specific allegations against the petitioners that they had also given beatings to Anju Bala, daughter of the complainant. However, the petitioners have neither arraigned her as respondent(s) in this case nor her statement has been recorded before the trial Court/Illaq Magistrate.

6. Since all the victims did not state their no objection to the compromise and also the reasons which led to the compromise, as such this Court cannot proceed further in this matter.

7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the complainant-victim and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

November 18, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No