



CRM-M-52817-2023

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

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CRM-M-52817-2023

Date of Decision : May 23, 2024

GURMINDER SINGH PURI

.....Petitioner

VERSUS

UT CHANDIGARH AND OTHERS

.....Respondents

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CRM-M-24594-2024

KULWANT SINGH

.....Petitioners

VERSUS

UT CHANDIGARH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sushil Sheoran, Advocate
for the petitioner in CRM-M-52817-2023.

Ms. Umang Bansal, Advocate
for the petitioner in CRM-M-24594-2024.

Mr. Ankur Bali, Addl. PP for UT, Chandigarh
in CRM-M-52817-2023.

Mr. Abhinav Gupta, Addl. PP for UT, Chandigarh
in CRM-M-24594-2024.

Mr. Vikrant Guleria, Advocate
for respondents No. 2 and 3 in both the petitions.

KULDEEP TIWARI, J. (Oral)

1. Both the above mentioned petitions are taken up together, as
both arise from the same FIR.

2. The instant petitions, as cast under Section 482 of the



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Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner(s), inasmuch as, quashing of the FIR No.230 dated 25.6.2015, under Sections 420, 467, 468, 471, 120-B of the IPC, registered at P.S. Sector-36, Chandigarh and all the subsequent proceedings arising therefrom, on the basis of a compromise dated 6.9.2023 (Annexure P-2), as entered into *inter se* the petitioner and respondents No.2 and 3/complainants.

3. Upon an affirmative response from the learned counsel for respondents No.2 and 3/complainants *qua* the compromise dated 6.9.2023 (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 17.10.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise dated 6.9.2023 (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (*supra*), the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh, and got their respective statements recorded, thereby authenticating the compromise dated 6.9.2023 (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.498 dated 9.11.2023 has been received from the learned Judicial Magistrate 1st Class, Chandigarh, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise



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(supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

5. Initially, the FIR was lodged against petitioner-Gurminder Singh, however, during investigation, co-accused Kulwant Singh was also arrayed as an accused. Though neither co-accused Kulwant Singh has been impleaded as a party, nor his statement was recorded, however, statements of both the complainants-Amarjeet Singh and Parminder Kaur have been recorded, in which they have extended no objection in case the present FIR is quashed.

6. This Court have heard counsel for the parties and gone through the case file.

7. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents 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 victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in



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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 the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

8. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner(s)/accused have been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh, others Vs. State of Punjab 2007 (3) RCR (Criminal) 1052***, the present petitions for quashing the FIR (supra) are hereby **allowed**.

9. Resultantly, FIR No.230 dated 25.6.2015, under Sections 420, 467, 468, 471, 120-B of the IPC, registered at P.S. Sector-36, Chandigarh and all the subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise dated 6.9.2023 (Annexure



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P-2), subject to payment of Rs.5,000/- each to be deposited with the District Legal Services Authority concerned.

May 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No