

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

277

CRM-M-53173-2023 (O&M)  
Date of decision: 29.04.2024

SAGAR JAISWAL AND ANR.

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.P.Kaushal, Advocate  
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. G.S. Sandhu, Advocate  
for respondents No.2 and 3.

KULDEEP TIWARI. J.(Oral)

CRM-7066-2024

Considering the valid and good reasons, as recorded in the application, the application is allowed, and the same is taken on record, subject to all just exceptions.

CRM-M-53173-2023

1. The instant petition filed under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.198 dated 28.12.2020, under Sections 323, 324, 148 and 149 of IPC, (under Sections 325 and 326 of IPC, added later on) registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, along with all the consequential proceedings arising therefrom, on the basis of a compromise dated 19.09.2023

(Annexure P-2), as entered into *inter se* the petitioners and the respondent No.2 & 3.

2. Upon an affirmative response from the learned counsel for the respondent No.2 & 3 *qua* the compromise (Annexure P-2), a Co-ordinate Bench of this Court, through an order drawn on 19.10.2023, upon the instant petition, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the Additional Chief Judicial Magistrate, Hoshiarpur and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.22 dated 19.12.2023 has been received from the Additional Chief Judicial Magistrate, Hoshiarpur, wherein, a satisfaction has been recorded by the Additional Chief Judicial Magistrate, Hoshiarpur *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. 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 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.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have been charged, are not 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 and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, FIR No.198 dated 28.12.2020, under Sections 323, 324, 148 and 149 of IPC, (under Sections 325 and 326 of IPC, added later on) registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, along with all the consequential proceedings arising therefrom, are hereby quashed, on the basis

of the compromise dated 19.09.2023 (Annexure P-2), subject to the payment of costs of Rs.5,000/-, to be forthwith deposited with the District Legal Services Authority concerned.

29.04.2024  
amandeep

(KULDEEP TIWARI)  
JUDGE

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