

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54092-2023
Date of decision:19.03.2024

SANDEEP @ SANDEEP LAGAHPETITIONER

Versus

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: - Mr. Varun Goyal, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Aniket Chauhan, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.12, dated 04.02.2022, under Sections 279/337/338 of IPC, registered at P.S. Nawli Baradari, District Police Commissionerate Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of a compromise dated 14.07.2023 (Annexure P-2), as entered into *inter se* the petitioner and respondent No.2.
2. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise dated 14.07.2023 (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 30.10.2023 and 24.01.2024 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 (Annexure P-2). Moreover, the 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 learned Judicial Magistrate 1st Class, Jalandhar 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.83, dated 21.02.2024 has been received from the learned Judicial Magistrate 1st Class, Jalandhar, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. Earlier the petitioner was requested to record his statement by way of virtual platform, as during the pendency of the trial, the petitioner/accused has left abroad. The report was called, and it was transpired that the petitioner/accused was not declared a proclaimed offender, although, he was absent, and has no cause of appearance before the trial Court. Considering the fact that, petitioner/accused has not been declared a proclaimed offender, and the matter has been comprised. This court vide order dated 24.01.2024 allowed the petitioner/accused to cause his appearance through the virtual platform. In compliance to the order (supra) passed by this Court, the petitioner/accused has caused his appearance before the learned trial Court concerned through virtual platform, and got his statement recorded.

5. This Court have heard counsel for the parties, and has gone through the entire case file.

6. 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.”

7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner has 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 petition for quashing the FIR (supra) is hereby allowed.

8. Resultantly, FIR No.12, dated 04.02.2022, under Sections 279/337/338 of IPC, registered at P.S. Nawi Baradari, District Police Commissionerate Jalandhar (Annexure P-1), and all the subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise (Annexure P-2), subject to payment of ₹5,000/- to be deposited with the District Legal Services Authority concerned.

(KULDEEP TIWARI)
JUDGE

19.03.2024

Anu

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |