

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2024:PHHC:035560

CRM-M No. 55961 of 2023 (O&M)

Date of decision : March 12, 2024

Surinder Masih

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI**

\*\*\*

Present :- Mr. J. S. Mahal, Advocate  
for the petitioner.

Mr. Raghav Garg, AAG., Punjab.

Mr. G. S. Randhawa, Advocate  
for respondent No.2.

\*\*\*

**KULDEEP TIWARI, J. (ORAL)**

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 19.01.2017 under Sections 420 and 120-B IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1), and all other subsequent proceedings arising therefrom, on the basis of a compromise dated 30.09.2023 (Annexure P-2), as entered into inter se the petitioners and respondent No.2/complainant.

2. Learned counsel for the petitioner submits that there are total two accused in the FIR (supra). Earlier accused Gurjit Singh Kahlon, approached this Court vide CRM-M-1100 of 2018 for quashing the instant FIR which was allowed. Now, the present petitioner who is also a co-accused in the FIR (supra) , has filed the instant petition for same cause of action.

3. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise (Annexure P-2), this Court, through an order drawn on

dated 07.11.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/*Illaqa* Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/*Illaqa* 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 Chief Judicial Magistrate, Gurdaspur 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.989, dated 29.11.2023, has been received from the Chief Judicial Magistrate, Gurdaspur 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.

5. I have heard counsel for the parties and gone through the 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 petitioners/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 petition for quashing the FIR (supra) is hereby **allowed**.

8. Resultantly, FIR No. 11 dated 19.01.2017 under Sections 420 and 120-B IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1), and all other subsequent proceedings arising out therefrom, on the basis of a compromise (Annexure P-2) is quashed, subject to the payment of costs of Rs.5,000/-, to be forthwith deposited with the District Legal Services Authority concerned, to be deposited by the petitioners.

( KULDEEP TIWARI )  
JUDGE

March 12, 2024  
archana

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