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2024:PHHC:045124

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-56493-2023

Date of Decision: April 03, 2024

SUNIL KUMAR AND ANR

Versus

STATE OF PUNJAB AND ANOTHER

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.K. Khunger, Advocate for the petitioners.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Kuljit Singh, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.0185 dated 14.09.2020 registered under Sections 307, 353, 186, 341, 324, 323, 506, 148, 149 and 120-B IPC (Section 326 IPC added later on) at P.S. Khui Khera, District Fazilka, along with all consequential proceedings arising out of the same on the basis of compromise/affidavit dated 28.09.2023.

2. As per the allegations levelled in the FIR, the accused persons inflicted kappa blows on the person of complaint-respondent No.2, however, as per the statement of complainant-respondent No.2, no injury has been attributed to the petitioners who are not even named in the FIR.

3. This Court while issuing notice of motion vide order dated 20.01.2024 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 20.01.2024, a report dated 13.02.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioners. Even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR in question, qua the petitioners, on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***”.

7. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ‘Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and Another’, 2012(4) R.C.R. (Criminal) 589 and this Court in ‘Joginder Singh & Another Vs. State of Punjab and Another’, passed in CRM-M-23739-2010 decided on 27.04.2011, ‘Rajinder Singh Vs. State of Punjab & Another’, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ‘Vimal Kalra & others Vs. State of Punjab & another’, passed in CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No. 0185 dated 14.09.2020 registered under Sections 307, 353, 186, 341, 324, 323, 506, 148, 149 and 120-B IPC (Section 326 IPC added later on) at P.S. Khui Khera, District Fazilka along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.10,000/- to be deposited with Poor Patients’ Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

03.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No