

CRM-M-59268-2023

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

(278)

CRM-M-59268-2023

Date of Decision:-**March 21, 2024**

Arshdeep Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. H.S. Mander, Advocate for the petitioners.

Mr. R.S. Bhatta, DAG, Punjab.

Mr. Munish, Advocate for respondents No. 2 & 3.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 52 dated 05.03.2021**, registered under **Sections 307, 323, 326, 148, 149** of the Indian Penal Code, at Police Station Mataur, SAS Nagar, Mohali (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 20.09.2023 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 24.11.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 20.03.2024 has been received from the Chief Judicial Magistrate, SAS Nagar, Mohali, stating that the compromise arrived at between the parties is

CRM-M-59268-2023

voluntary and the same is without any pressure, coercion or undue influence.

3. Learned State Counsel and learned counsel for respondents No. 2 & 3 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal proceedings in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases ***Gian Singh v. State of Punjab and another* 2012(10) SCC 303** and ***Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406** that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

5. The Hon'ble Apex Court in the case of ***"State of Madhya Pradesh Vs. Laxmi Narayan"* (2019) 5 SCC 688**, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in respect of non compoundable offences which are private in nature and do not have serious impact on society.

6. Keeping in view the law laid down by the Hon'ble Apex Court in the aforesaid judgment, it is crystal clear that the dispute where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings if it is known that because of compromise

CRM-M-59268-2023

arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustices, if despite settlement having been arrived at between the parties, the criminal proceedings are allowed to continue.

7. Consequently, this petition is allowed. **FIR No. 52 dated 05.03.2021**, registered under **Sections 307, 323, 326, 148, 149** of the Indian Penal Code, at Police Station Mataur, SAS Nagar, Mohali (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 25,000/- to be deposited by the petitioners jointly and Rs. 10,000/- to be deposited by respondents No.2 & 3 jointly within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

March 21, 2024
Parul

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