

SATNAM SINGH AND ANOTHER

Versus

STATE OF PUNJAB AND OTHERS

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manu Loona, Advocate for the petitioners.
Mr. Gurlal Singh Dhillon, AAG, Punjab.
Mr. P.K. Bansal, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case FIR No.152 dated 17.05.2020 registered under Sections 323, 325, 148 and 149 IPC (Section 325 added later on) at P.S. Sadar Fazilka, District Fazilka along with all consequential proceedings arising out of the same on the basis of compromise dated 07.11.2023.
2. As per the allegations levelled in the FIR, the petitioners along with other accused persons gave beatings to the complainant-respondents No.2 to 4. Though, as per FIR, there are four accused, however, only two have approached this Court namely Satnam Singh and Manjeet Singh. One of the accused namely Gurmeet Singh is not traceable and accused-Sukha Singh has unfortunately died.
3. In pursuance to an Order dated 07.12.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, report dated 22.12.2023 has

been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondents No.2 to 4 have 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.

5. 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***”.

6. Further, learned counsel for the petitioners, 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.

7. 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.152 dated 17.05.2020 registered under Sections 323, 325, 148 and 149 IPC (Section 325 added later on) at P.S. Sadar Fazilka, District Fazilka along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

8. The aforesaid order shall, however, be subject to payment of Costs of Rs.15,000/- to be deposited with District Legal Services Authority, Fazilka within a period of two weeks from today.

31.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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