



CRM-M-49894-2019 (O&M)

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

122

CRM-M-49894-2019 (O&M)
Date of Decision : May 22, 2024

PRITPALJIT SINGH SANGHA

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurmeet Singh, Advocate with
Mr. S.K. Kanojia, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Shubham Mirok, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioner craves for the hereinafter extracted relief(s):-

“Quashing of the FIR No.112 dated 30.06.2019, under Sections 153-A, 295-A, 505(2) of the IPC, registered at P.S. City Hoshiarpur, District Hoshiarpur, along with all the consequential proceedings arising therefrom, on the basis of Compromise Deed (Annexure P2).”

2. Upon an affirmative response from the learned counsel for the respondent No.2 *qua* the compromise (Annexure P2), this Court had, through drawing an order on 25.01.2024 upon the instant petition, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure



P2). Moreover, the trial Court/Illaqa 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 Chief Judicial Magistrate, Hoshiarpur and got their respective statements recorded, thereby authenticating the compromise (Annexure P2). Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the Chief Judicial Magistrate, Hoshiarpur, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. 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.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not 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 and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby **allowed**.

7. Resultantly, FIR No.112 dated 30.06.2019, under Sections 153-A, 295-A, 505(2) of the IPC, registered at P.S. City Hoshiarpur, District Hoshiarpur, along with all the consequential proceedings arising therefrom, is hereby **quashed** on the basis of Compromise Deed (Annexure P2), subject to costs of Rs.50,000/- being deposited by the petitioner, within a week from today, with the Bar Council of Punjab and Haryana.

8. It is clarified that, if the costs (supra) is not deposited within the above stipulated period, the relief of quashing, as granted hereinabove, shall stand *ipso facto* vacated and this petition shall be deemed to be dismissed, without any further reference to this Court.

**CRM-M-49894-2019 (O&M)****4**

9. Moreover, a copy of this order be also forthwith forwarded to the Chairman, Bar Council of Punjab and Haryana, with a direction that the same shall be placed in personal file of accused. The Chairman, Bar Council of Punjab and Haryana, shall also ensure to keep a vigil on the act and conduct of the present petitioner and in case, henceforth any similar offence is committed by the petitioner, then appropriate disciplinary action be taken against him.

10. Pending application(s) stand disposed of accordingly.

May 22, 2024
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(KULDEEP TIWARI)
JUDGE

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