

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

CRM-M-39358-2014.

Date of decision : 18.03.2015.

Mohd. Hanif and others

.....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sherry K. Singla, Advocate for petitioners.
Mr. Jashanpreet Singh, A.A.G., Punjab.
Mr. Manoj Pundhir, Advocate for respondents No.2 to 4.

DARSHAN SINGH, J.

The present petition has been filed by the petitioners/accused Mohd. Hanif and seven others, under Section 482 Code of Criminal Procedure for quashing FIR No.148 dated 14.11.2013 under sections 325, 323, 148, 149 Indian Penal Code (hereinafter referred as 'IPC'), registered at Police Station Ahmedgarh, District Sangrur and all the subsequent proceedings arising out of the same, on the basis of written compromise (Annexure P-2) arrived at between the parties.

2- Vide order dated 18.11.2014, this Court had directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the

concerned parties.

3- In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate First Class, Malerkotla (Sangrur) through learned District & Sessions Judge, Sangrur along with the original statements of the parties. The trial Court has reported that the compromise is genuine, voluntary and without any pressure, coercion or influence.

4- Learned counsel for the petitioners contented that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise entered into between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab & another 2012 (4) RCR (Criminal) 543*** and ***Shiji alias Pappu and others Vs. Radhika and another 2012 (1) RCR (Criminal) 9 (SC)*** and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052***.

5- The factum regarding compromise between the parties has also not been disputed at Bar by the learned State counsel. Learned counsel for respondents No.2 to 4 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victims have no objection if the impugned FIR and the consequential proceedings are quashed.

6- The petitioners have been booked for the offences punishable under Sections 325, 323, 148, 149 IPC, on the allegations that they were members of the unlawful assembly and while armed with sticks and bricks, they caused simple as well as grievous hurts to complainant Jamil Mohd., his father Alla Ditta and his son Gulam Navi by means of blunt weapons.

7- From the statement of the complainant and other injured as well as of the petitioners, recorded by the learned J.M.I.C., Malerkotla and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The compromise has already been placed on record as Annexure P-2.

8- Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9- Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in cases referred to above, this petition is hereby allowed. FIR No.148 dated 14.11.2013 under sections 325, 323, 148, 149 IPC, registered at Police Station Ahmedgarh, District Sangrur and all the consequent proceedings arising therefrom are hereby quashed.

18.03.2015
sunil yadav

(DARSHAN SINGH)
JUDGE