

CRM-M-40759 of 2014
Date of Decision: 12.02.2015

Harish Kumar and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Atul Goyal, Advocate
for the petitioners

Mr. Ankur Jain, AAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioners have prayed for quashing of FIR No. 38 dated 8.8.2014 for offence punishable under Sections 353, 186 read with Section 34 of the Indian Penal Code (in short "IPC") registered at Police Station, Daresi, District Ludhiana on the basis of compromise.

The parties were directed to appear before the trial court/Illaq Magistrate on 23.12.2014 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that statements of the petitioners and respondent No.2(complainant) have been recorded and statements made by the parties in the Court reveal that they have voluntarily

entered into a compromise with an intention to live in peace and harmony.

Mr. Ankur Jain, AAG, Punjab has put in appearance on behalf of respondent No.1. He has not disputed correctness of assertions of the petitioners and the fact that the matter has been settled by way of compromise between the parties.

I have heard counsel for the parties and perused the case file.

Perusal of the allegations set up in the FIR would make it evident that the only allegation raised by the complaint is that some persons at the spot manhandled him and tore his clothes. There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to settle their dispute with an intention to live in peace and harmony. The present case falls in the category of cases, which can be allowed to be settled by way of compromise, in view of the decision of Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another*, 2012(4) R.C.R. (Criminal) 543.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 38 dated 8.8.2014 for offence punishable under Sections 353, 186 read with Section 34 IPC registered at Police Station, Daresi, District Ludhiana and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

12.02.2015

PARAMJIT