

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 40855 of 2014.
Date of Decision : 06.04.2015.

Ramesh Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Mr. R.S. Athwal, Advocate for respondents No. 2 and 3.

Tejinder Singh Dhindsa, J.(Oral)

This order shall dispose of CRM-M No. 40855 of 2014 titled as (Ramesh Kumar and others Vs. State of Punjab and others) and CRM-M No. 1767 of 2015 (Rajat Kumar and others Vs. State of Punjab and others) as the prayer made in these two connected petitions is for quashing of FIR No. 81 dated 16.08.2014, under Sections 307, 326, 323, 148, 149 IPC, registered at Police Station Sadar Shaheed Bhagat Singh Nagar, District Shaheed Bhagat Singh Nagar and for quashing of cross version under Sections 323, 324, 34 IPC in the afore-noticed FIR.

While issuing notice of motion on 29.11.2014, parties had been directed to appear before the concerned Illaqua Magistrate for recording of their statements and a report with regard to veracity of the compromise had been called for.

On the last date of hearing i.e. 06.02.2015, this Court had

noticed that the statement of Ajay Kumar, respondent in the cross version had not been recorded as he was confined in jail. As such parties were directed to again appear before the trial Court on 23.02.2015 for recording of the statement of Ajay Kumar in the main case as well as in the cross version. Learned counsel appearing for the parties in both these connected petitions submit that statements have now been recorded.

Even placed on record is a report dated 13.03.2015 of the Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar, which would reflect that a compromise has been arrived at between the parties and the same is without any pressure or coercion.

It may be noticed that even though the offence under Sections 307, 326 IPC has been cited but it is a case where the date of occurrence is stated to be 16.8.2014 and the compromise has been effected between the parties almost immediately thereafter i.e. on 05.11.2014.

Learned State counsel on instructions from HC Subhash Chander has further apprised the Court that after completion of investigation the challan was presented on 20.01.2015. The trial as such is at the very initial stage.

Under such circumstances, the compromise effected between the parties would fall within the parameters as laid down by the Hon'ble Supreme Court in a recent decision rendered in ***Narender Singh and others Vs. State of Punjab and another, 2014, (2) RCR (Criminal) 482.***

The parties in the version as also cross version have taken a conscious decision to continue with their lives in peace and harmony. It would be a fit case for this Court to intervene in exercise of its

powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, both the petitions are allowed. Impugned FIR No. 81 dated 16.08.2014, under Sections 307, 326, 323, 148, 149 IPC, registered at Police Station Sadar Shaheed Bhagat Singh Nagar, District Shaheed Bhagat Singh Nagar and cross version under Sections 323, 324, 34 IPC in the afore-noticed FIR and all proceedings emanating therefrom stand quashed.

Both the petitions stand disposed of in the light of the present common order.

April 06, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE