

Crl. Misc. No.M-3551 of 2016

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

Crl. Misc. No.M-3551 of 2016

Date of Decision: 25.05.2016

Vijay Kumar and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. S.S. Sodhi, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Manpreet Singh, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.81 dated 24.07.2012 registered under Sections 452/328/34 IPC and offence under Section 308 IPC added later on, at Police Station Shri Hargobindpur, Police District Batala along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

The FIR, in question, was registered on the basis

of complaint made by respondent No.2. Arising out of the same occurrence, complaint dated 18.12.2013 was also filed under Sections 379/452/326/324/323/148/149/447/354 IPC before the Judicial Magistrate Ist Class, Batala. After recording preliminary evidence, the accused were summoned and the case was committed to the Court of Sessions as the cross case was pending for trial before the Additional Sessions Judge. Both the cases were clubbed together and are pending before the Additional Sessions Judge, Gurdaspur.

During pendency of the proceedings, both the parties compromised their dispute in complaint as well as in FIR case as both the parties belong to same village and are neighbours also. The purpose of compromise is to lead peaceful and happy life. Said compromise was effected with the intervention of respectables and relatives of both the parties. Respondent no.2 is complainant and respondent No.3 is injured and both are the aggrieved parties.

In compliance of directions issued by this Court on 18.02.2016, the statements of the parties were recorded and a report has also been sent along with statements of the parties, wherein, the factum of compromise has been affirmed. Complainant and injured have stated in their respective statements that they have no objection in quashing of FIR as well as other proceedings arising therefrom.

By following the ratio of judgment in case ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** and by exercising power under Section 482 Cr.P.C and also the fact that the compromise is there in complaint case also, the present petition is allowed. FIR No.81 dated 24.07.2012 registered under Sections 452, 328, 34 IPC (offence under

Section 308 IPC added later on) at Police Station Sh. Hargobindpur, Police District Batala along with all subsequent proceedings arising therefrom qua petitioners-Vijay Kumar, Roshan Lal and Geeta Rani, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE