

Sr. No.259

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-10292 of 2016 (O&M)

Date of Decision:23.02.2017

Manjit Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present:- Mr. Hem Raj Kapil, Advocate,
for the petitioners.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Sandeep Sharma, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.15 dated 24.02.2016, under Sections 307, 336,34 IPC, registered at Police Station Barnala, District Barnala on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 22.03.2016, parties had been directed to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise was called for.

Placed on record is a report of the learned Additional Chief Judicial Magistrate, Barnala dated 19.08.2016 and a perusal of the same

would reveal that the statements of the complainant Harbans Singh/respondent No.2 herein as also the accused party/petitioners herein have been duly recorded and it has been opined that with the intervention of the respectables of the village, a compromise/settlement has been arrived at without any pressure or coercion.

Suffice it to notice that the occurrence took place over a petty issue and parties are residents of the same village. Even though the complainant is stated to have suffered a grievous injury on his head on account of a *gandasi* blow and which in turn has attracted offence under Sections 336 as well as 307 IPC yet the settlement has been arrived at during the course of investigation itself.

The Hon'ble Supreme Court in case *Narinder Singh and others Vs. State of Punjab and another 2014 (2) RCR (Criminal) 482* has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

Adverting back to the present case, after registration of the FIR, the challan has yet not been presented. In the light of statements recorded before the Illaqa Magistrate, parties have entered into a settlement. The parties belong to the same village and as such quashing of the impugned FIR would certainly bring peace and harmony amongst the residents of the village.

For the reasons recorded above, prayer made in the present petition is allowed. FIR No.15 dated 24.02.2016, under Sections 307, 336, 34 IPC, registered at Police Station Barnala, District Barnala and all

proceedings emanating therefrom are quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

23.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No