

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1252 of 2017

Date of decision: 17.05.2017

Lal Hussain and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Simranjit Singh, Advocate
for the petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 22 dated 08.04.2016 (Annexure P-1) along with all consequential proceedings arising therefrom, registered for offences punishable under Sections 452, 324, 323, 148, 326 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Kahnuwan Gurdaspur, District Gurdaspur, on the basis of the compromise dated 24.05.2016 (Annexure P-2).

As per case of prosecution, on 02.04.2016 at about 11/12.00 a.m., when complainant-Swardin was giving water to animals, petitioners armed with *gandasi, danda, datar, saria etc.* alongwith two unknown persons came in a red colour Bolero car and attacked him with their respective weapons resulting in injuries on little finger of right hand, left thigh, little finger of left hand and head of the complainant.

Learned counsel for petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned State counsel has also not disputed compromise (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 31.03.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or coercion.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and impugned FIR No. 22 dated 08.04.2016 (Annexure P-1) registered at Police Station Kahnuwan Gurdaspur, District Gurdaspur, alongwith all consequential proceedings arising therefrom, qua petitioners, is quashed.

May 17, 2017

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No