

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-1296 of 2017(O&M)

Date of decision: 17.04.2017

Rajat Kumar @ Raja and others

...PETITIONERS

VERSUS

State of Punjab and others

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Amit Dhawan, Advocate,
for the petitioners.**

**Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab,
for respondent No. 1.**

**Mr. G.S.Rawat, Advocate,
for respondents No. 2 to 4.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present petition has been filed for quashing of FIR No. 55 dated 05.04.2016 under Sections 323, 324, 148 and 149 IPC registered at Police Station Division No. 5, Jalandhar on the basis of the compromise dated 29.11.2016 (Annexure P-2), which has been entered into between the parties.

On 18.01.2017, in the light of the submissions made by the counsel for the petitioners as also the counsel for the respondents, the following order was passed:-

“ This petition has been filed seeking quashing of FIR No.

55 dated 05.04.2016, registered for the alleged commission of offences punishable under Sections 324/323/148/149 IPC, at Police Station Division No.5, Jalandhar, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondents no.2, 3 and 4. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. Rajesh Mehta, learned Addl. Advocate General, Punjab, accepts notice on behalf of respondent no.1.

Mr. Puneet Sharma, Advocate, accepts notice on behalf of respondents no.2 to 4.

Mr. Dhawan and Mr. Sharma, both learned counsel, are ad idem that other than respondents no.2 to 4, there is no other person injured in the occurrence.

Adjourned to 21.03.2017.

In the meanwhile, the petitioners, as also respondent no.2 to 4, would appear before the learned Chief Judicial Magistrate/Area Magistrate on 02.03.2017 to record their statements. The Area Magistrate would satisfy herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send her/his report to this Court, before the next date of hearing.”

In compliance with the said order, a report has been submitted

by the Judicial Magistrate Ist Class, Jalandhar, according to which, the statements of the petitioners, complainant-respondent No. 2 and other injured respondents No. 3 and 4 have been recorded.

On the basis of the statements, which have been recorded, it has been held that the compromise effected between the parties is genuine and is effected voluntarily without any pressure, coercion or undue influence from any quarter.

In the light of the above report dated 17.03.2017 and also keeping in view the fact that the counsel for the petitioners as also counsel for respondents No. 2 to 4 have stated that indeed a compromise has been entered into between the parties dated 29.11.2016 (Annexure P-2), the present petition is allowed. FIR No. 55 dated 05.04.2016 under Sections 323, 324, 148 and 149 IPC registered at Police Station Division No. 5, Jalandhar is hereby quashed.

April 17, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No