

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

I.

Crl. Misc. No. M-16425 of 2016 (O&M)

Date of decision: January 23, 2017

Vinay Kumar @ Vinay and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

II.

Crl. Misc. No. M-16491 of 2016 (O&M)

Gulshan Kumar and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Vivek K. Thakur, Advocate
for the petitioners in CRM-M-16425-2016 and
for respondent No.2 in CRM-M-16491-2016.

Mr.Jashanpreet Singh, Asstt. AG, Punjab.

Mr.Rahul Jaswal, Advocate,
for respondent No.2 in CRM-M-16425-2016 and
for the petitioners in CRM-M-16491-2016.

SURINDER GUPTA, J.(Oral)

This order shall dispose of two petitions filed under Section 482

Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR

No.220 dated 10.11.2015 (Annexure P-1), registered for offences

punishable under Sections 323, 325, 34 Indian Penal Code (for short 'IPC') at Police Station Division No.8, Jalandhar and cross case dated 15.11.2015 registered for offence punishable under Sections 379, 427, 451, 34 Indian Penal Code (for short 'IPC') (Annexure P-2) at Police Station Division No.8, Jalandhar, along with all consequential proceedings arising therefrom, on the basis of the compromise dated 28.1.2016.

As per prosecution case, the occurrence took place on 25.10.2015 when petitioner Vinay Kumar caused injuries to Gulshan Kumar. A cross version of the occurrence was also recorded on the statement of Vinay Kumar wherein he alleged that he was also caused injuries by Gulshan Kumar and others.

Upon notice, Mr.Jashanpreet Singh, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State. Mr.Rahul Jaswal, Advocate who is appearing for the petitioners in CRM-M-16491-2016 has put in appearance on behalf of respondent No.2-complainant in CRM-M-16425-2016 whereas Mr.Vivek K. Thakur, Advocate who is appearing for the petitioners in CRM-M-16425-2016 also put in appearance on behalf of respondent No.2 in CRM-M-16491-2016.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 12.1.2017 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 influence. Learned trial court based its report on the statement of complainant in both the cases.

Learned counsel for the parties has submitted that in view of the compromise dated 28.1.2016, the private respondents have no objection if the impugned FIR No.220 dated 10.11.2015 as well as cross case dated 15.11.2015 recorded in that FIR are quashed. Learned State counsel has also not disputed compromise dated 28.1.2016.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.

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 the 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.

In view of the above discussion, both petitions are allowed. The impugned FIR No.220 dated 10.11.2015 registered under Sections 323, 325, 34 IPC at PS Division No.8, Jalandhar (Annexure P-1) and the cross case dated 15.11.2015 registered under Sections 379, 427, 451, 34 IPC recorded in that FIR along with all consequential proceedings arising therefrom, qua petitioners in both the cases, are quashed.

January 23, 2017

Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No