

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22639-2016

Date of decision: 01.12.2017

Manjinder Singh @ Phalla and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Kaura, Advocate
for the petitioners.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

Mr. A.S. Khosa, Advocate
for respondents No.2 and 3.

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.141 dated 09.09.2015 (Annexure P-1), registered for offences punishable under Sections 323, 324, 148, 149 Indian Penal Code (for short 'IPC') (Offences punishable under Sections 325, 326 IPC were added later on) at Police Station Garshankar, District Hoshiarpur, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, on 20.8.2015 at about 7.30/8.00 p.m. while the respondents no.2 and 3 were present on the road towards village Saroa, the petitioners attacked and caused them grievous injuries. Respondent no.2 was having ₹18,000/- which also fell somewhere during the conflict.

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

Annexure A-2.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), the private respondents have no objection if the impugned FIR (Annexure P-1) is quashed.

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 9.1.2017 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.

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.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No. 141 dated 09.09.2015 (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

December 01, 2017
jk

(SURINDER GUPTA)
JUDGE

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