

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 246

CRM-M-2460-2016

Decided on : 23.03.2017

Beeral Singh and others

..... Petitioner(s)

VERSUS

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P. P. S. Brar, Advocate, for the petitioner(s).

Mr. Neeraj Yadav, AAG, Punjab.

Mr. J. S. Santwal, Advocate, for respondent No. 2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, quashing of FIR No. 65, dated 21.10.2010, registered under Sections 326, 324, 323 and 34 IPC, at Police Station Bajakhana, District Faridkot (Annexure P-1), alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise (Annexure P-2).

Through order dated 22.01.2016, the parties were directed to appear before the trial court to get their statements recorded, who in turn, was directed to send a report to this Court as to whether the compromise is genuine as also if any of the accused was declared as a proclaimed offender.

As directed, report dated 03.03.2016 has been received from the Judicial Magistrate, Ist Class, Faridkot, which is to the effect that the parties have got their statements recorded in support of the compromise arrived at between them. It has been opined in the report that the compromise arrived at between the parties is voluntarily and without any pressure or undue influence. It is also mentioned therein that none of the accused are declared as proclaimed

offender.

Learned counsel for the parties submit that the FIR quashing of which is sought through the present petition has resulted on the basis of a private dispute between the parties, who belong to the same village. Such dispute has been resolved with the intervention of the respectables of the village and if the prayer so sought in the present petition is allowed, it would help in maintaining peace and harmony in the village where the parties are residing. It is further submitted that the offence alleged in the FIR is not heinous and at the most reflects simple injuries as also a grievous injury on a non-vital part of the body i.e. little finger of the injured.

Learned State counsel has no objection if the prayer made by counsel for the contesting parties is allowed.

Considering the fact that the parties to the compromise reside in the same village; the dispute being private not against the public at large and not a heinous one; the resolution arrived at between the parties leading to the quashing of the FIR would only help in maintaining peace and harmony in the village, I am of the opinion that continuation of the proceedings in pursuance to the afore-referred FIR would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in "*Kulwinder Singh and others versus State of Haryana and others*", 2007(3) RCR (Criminal) 1052, and I deem it just and proper to allow the present petition and resultantly quash FIR No. 65, dated 21.10.2010, registered under Sections 326, 324, 323 and 34 IPC, at Police Station Bajakhana, District Faridkot alongwith all subsequent proceedings arising therefrom.

23.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No