

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25616 2016

Date of decision: 09.03.2017

Rakesh Uppal and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harish Sharma, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Siddharth Gulati, Advocate
for respondent No.2 to 5.

SURINDER GUPTA, J.(Oral)

Petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 20 dated 11.03.2011 (Annexure P-1), registered for offences punishable under Sections 323, 341, 379, 294, 506, 325 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Division no. 8, Ludhiana; and Criminal Complaint No. 48-A dated 03.06.2011 (Annexure P-2) titled “Vivek Uppal vs. Rakesh Uppal and others” for offences punishable under Sections 323, 341, 379, 294, 506, 325 read with Section 34 IPC, pending in the Court of Judicial Magistrate Ist Class, Ludhiana, along with all consequential proceedings arising therefrom, on the basis of compromise 01.03.2016 (Annexure P-3).

Learned counsel for petitioners submits that FIR bearing No. 20 dated 11.03.2011 was registered at Police Station Division no. 8, Ludhiana on the complaint of Vivek Uppal against petitioners and after investigation challan was presented by the police only against petitioner no. 1-Rakesh

Uppal. Vivek Uppal also filed a complaint against petitioners for the same occurrence that took place on 06.03.2011, wherein all the petitioners are stated to have been summoned as accused. However, trial of both the cases i.e. challan presented by the police and complaint filed by Vivek Uppal was clubbed and charges were framed against petitioners.

Parties are related to each other. Petitioner no. 1 is brother of respondent no. 2-Vivek Uppal while petitioner no. 2 is wife and petitioner no. 3 is son of petitioner no. 1. Victims in this case are closely related.

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 P-3 .

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-3), the private respondents (complainants) have no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-3).

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 17.11.2016 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 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. 20 dated 11.03.2011 (Annexure P-1), registered for offences punishable under Sections 323, 341, 379, 294, 506, 325 read with Section 34 IPC at Police Station Division no. 8, Ludhiana; and Criminal Complaint No. 48-A dated 03.06.2011 (Annexure P-2) titled "Vivek Uppal vs. Rakesh Uppal and others" for offences punishable under Sections 323, 341, 379, 294, 506, 325 read with Section 34 IPC, pending in the Court of Judicial Magistrate Ist Class, Ludhiana along with all consequential proceedings arising therefrom, qua petitioners, are quashed.

March 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No