

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-3168 of 2017(O&M)
Date of Decision: 05.07.2017

Sarabjit Singh alias Sabi

..... Petitioner

versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Rakesh Kumar, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SURINDER GUPTA, J. (ORAL):

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 59 dated 09.07.2016 (Annexure P-1), registered for offences punishable under Sections 458, 380, 511 of the Indian Penal Code (for short 'IPC') at Police Station Fattu DHINGA, District Kapurthala along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, on 07.07.2016 complainant Mohammed Salim was sleeping in the courtyard of his house and his wife along with his daughters and some relatives was sleeping in one room of the house. He got up at about 4.00 a.m. on hearing sound of opening of iron almirah lying in another room. He noticed a young man standing there with iron datar in his hand. That young man gave a blow to complainant

which hit between forehead and nose. He tried to give another blow on the head of complainant which he intercepted by raising his left arm and the blow hit him on the joint thereof due to which he fell down. On hearing the noise, his wife and son got up and the assailant ran away by scaling the wall of the house. He was then taken to hospital and there he came to know the name of the assailant to be Sarabjeet Singh alias Sabi i.e. the present petitioner.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

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 09.03.2017 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.

In view of amicable settlement between the complainant and accused, 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.59 dated 09.07.2016 (Annexure P-1), registered for offences punishable under Sections 458, 380, 511 of the Indian Penal Code (for short 'IPC') at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1), along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

July 05, 2017

sunita

(SURINDER GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No