

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

CRM-M-35212 of 2017.

Decided on:-13.12.2017.

Pawan Kumar and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Vishneet Singh, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Bikram Singh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.135 dated 09.09.2017 under Sections 323, 324, 326, 148 and 149 IPC registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 15.09.2017 Annexures P-2 and P-3 respectively.

This Court vide order dated 20.09.2017 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners, namely, Pawan Kumar, Arun Kumar, Tarun Kumar, Vijay Kumar, Sahil Sharma and Karan Sharma as well as respondents No.2 and 3, namely, Parmod Bhargav and Anil Bhargav have appeared before learned Chief Judicial Magistrate, Amritsar and got their statements recorded on 24.10.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 16.11.2017 to the effect that the parties have wilfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Parmod Bhargav. His joint statement along with injured/respondent No.3-Anil Bhargav made before learned Magistrate on 24.10.2017 in support of the compromise, reads as under:

“I have got registered FIR No.135 of 09.09.2017 under Section 323, 324, 326, 148, 149 of Indian Penal Code, Police Station, Gharinda, Amritsar against accused Pawan Kumar, Arun Kumar, Tarun Kumar, Vijay Kumar, Sahil Sharma and Karan Sharma whereas Anil Bhargav has received injuries from the hands of the accused named above. Now, with the intervention of respectable, I as well as injured Anil Bhargav have arrived at the compromise with the accused out of our free will and willful consent and there is no pressure or coercion upon us. I and injured Anil Bhargav have no objection, if FIR No.135 of 09.09.2017 under Section 323, 324, 326, 148, 149 of Indian Penal Code, Police Station, Gharinda, Amritsar be quashed.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 have not disputed the factum of compromise effected between the parties. Memo of Appearance filed on behalf of respondents No.2 and 3 in the Court, is taken on record.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.135 dated 09.09.2017 under Sections 323, 324, 326, 148 and 149 IPC registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise and affidavit dated 15.09.2017 Annexures P-2 and P-3 respectively.

December 13, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No