

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

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CRM-M-35432-2017.

Date of Decision: 04.12.2017.

Lovepreet Singh @ Bub and others

....Petitioners.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sarbjit Singh, Advocate for the petitioners.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. G.S. Thind, Advocate for respondents No.2 and 3.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure, prayer has been made for quashing F.I.R. No.21 dated 24.01.2013 registered under Sections 452, 325, 323, 148 and 149 of the Indian Penal Code, at Police Station Jandiala Guru, Amritsar (Rural), on the basis of compromise dated 26.07.2017 (Annexure-P2).

On presentation of the petition, vide order dated 21.09.2017 passed by a co-ordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate on 23.10.2017 for recording their statements qua compromise with a direction to the trial Court/Illaq Magistrate to furnish a report regarding veracity thereof, if any, between the parties.

Consequently, the parties had appeared before the Judicial Magistrate Ist Class, Amritsar and got recorded their statements. Report from the concerned Magistrate has been received vide covering letter No.127 dated 03.11.2017 duly forwarded by learned District and Sessions Judge, Amritsar vide Endorsement No.10096-R dated 07.11.2017.

However, learned counsel submits that petitioner No.2 is serving in the Army and was not granted leave for 23.10.2017 when statements of both the parties were got recorded before the trial Court. Petitioner No.2 has now come on leave ten days back and is returning tomorrow. Affidavit on behalf of petitioner No.2 has been produced wherein he has testified that his statement before the trial Court could not be recorded due to unavoidable circumstances as he could not obtain leave from his department. The complainant-injured/respondents No.2 and 3 have compromised with him. In the cross case registered by the petitioners against respondents No.2 and 3 also a compromise has taken place.

According to the report of Judicial Magistrate Ist Class, Amritsar and her covering letter, petitioner No.2 did not appear and therefore could not get recorded his statement for compromise. As per report, the parties have made an amicable settlement and recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

Learned counsel for complainant-injured/respondents No.2 and 3 submits that he has no objection in accepting the affidavit of petitioner No.2 for quashing the impugned F.I.R.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations

between the parties, the present petition is accepted and the aforesaid F.I.R. No.21, is quashed qua the petitioners, subject to depositing costs of ₹10,000/- by the petitioners with the Punjab Legal Services Authority, Chandigarh within one week.

The Registry is directed to report whether the cost is deposited by the petitioners or not.

(RAMENDRA JAIN)
JUDGE

04.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No