

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

Crl. Misc. No. M-15393 of 2018 (O&M)

Date of decision: July 12, 2018

Dara Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. PKS Phoolka, Advocate
for the petitioners.

Ms. Monika Jalota, DAG Punjab.

Mr. Davinder Kumar, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.28 dated 03.04.2018 (Annexure P-1), registered for offences punishable under Sections 365, 323, 342 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Bhadaur, District Barnala, along with all consequential proceedings arising therefrom, on the basis of the compromise/affidavit dated 07.04.2018 (Annexure P-2, Colly).

As per case of the prosecution, the petitioners have caught respondent No.2 and caused him injuries. They also took him to Pipe Factory, where he was caught with a pillar and again given beatings.

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-2 (Colly).

Learned counsel for respondent No.2-complainant endorses the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-1) is quashed.

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 07.05.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any coercion or undue influence.

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.28 dated 03.04.2018 (Annexure P-1), registered for offences punishable under Sections 365, 323, 342 read with Section 34 IPC at Police Station Bhadaur, District Barnala, along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

(SURINDER GUPTA)
JUDGE

July 12, 2018
Sachin M.

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No