

CRM-M-15443-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15443-2017

Date of Decision: 28th March, 2018

Mohd. Latif & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satish Chaudhary, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

None for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.42 dated 06.02.2017, under Sections 307, 323, 324, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Basti Jodhewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 11.04.2017 (Annexure P-3) entered into between the petitioners and respondent No.2-complainant.

The case came up for hearing before this Court on 01.06.2017, when following order was passed:-

“Seeks quashing of the impugned FIR by way of compounding/compromise. Seen the injuries. One of the injuries is serious but then, the parties have arrived at a

compromise. At the same time, it cannot be forgotten that the criminal law was set into motion, the petitioners must therefore compensate the State of Punjab by way of deposit of Rs.10,000/- as compensation with the Commissioner of Police, Ludhiana within three weeks. The petitioners shall file on affidavit an undertaking that they shall not indulge in such offences in future.

Adjourned to 10.8.2017.

In the meanwhile, the parties shall get their statements recorded before the Illaqa Magistrate who shall in turn send his report as regards the compromise and its genuineness or otherwise.”

In compliance of the above order, parties had appeared before the Judicial Magistrate First Class, Ludhiana, who after recording the statements of the parties, has submitted the report dated 27.07.2017, according to which, Court is satisfied that the compromise arrived at between the parties is genuine, without any pressure or coercion and voluntary.

In the light of the above fact, counsel for the petitioners states that the matter having been amicably compromised and there being no further dispute pending between the parties, FIR along with all subsequent proceedings arising therefrom may be quashed.

Keeping in view the compromise dated 11.04.2017 having been entered into between the parties, which has been found to be genuine as per

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the report of the Judicial Magistrate First Class, Ludhiana, according to which, respondent No.2-complainant does not want to pursue the present FIR, which was recorded at his behest and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.42 dated 06.02.2017, under Sections 307, 323, 324, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Basti Jodhewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

28th March, 2018

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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