

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-18225 of 2018

Date of Decision: 16.08.2018

Om Parkash & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- None for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.13 dated 12.02.2017 under Sections 325, 323, 148 and 149 IPC registered at P.S. Bahawala, Tehsil Abohar, District Fazilka (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 19.04.2018 (Annexure P-2).

This Court vide order 02.05.2018 had directed the parties to appear before the Area Magistrate to get their statements recorded with regard to compromise so arrived and learned Magistrate was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Abohar and got their statements

recorded. Learned Magistrate has forwarded his report dated 08.06.2018 to the effect that the compromise so arrived at between parties is voluntary, without undue influence, pressure or coercion and the same is the outcome of their free will and consent.

Though no one has put in appearance on behalf of respondent no.2-complainant namely Raja Ram and respondent no.3, injured namely Jagir Kaur, but no prejudice would be caused to them in case the present petition is allowed, as they have already made their statements before the learned Magistrate on 25.5.2018 regarding the compromise between the parties. The statement of Raja Ram, complainant-respondent no.2, reads as under:-

“Stated that the present case FIR no.13 dated 12.2.2017 u/s 325/323/148/149 of IPC PS Bahawwala was registered against accused persons namely Om Parkash, Mukesh Kumar, Hans Raj, Sudhir Kumar, Mohit, Ashwani Kumar, Raja Ram, Rajiv Kumar, on statement of complainant Raja Ram son of Mukhtiar Singh and now with the intervention of respectables of our society, compromise has been effected between us and accused’s party. On the basis of said compromise, accused’s have filed a quashing petition bearing no.CRM-M-98225 of 2018. The compromise between the parties has effected without any pressure and coercion and with our free will. Compromise has been effected for the betterment of the parties and we have no grudge against each other. The above said FIR and its further proceedings arising therefrom may kindly be quashed. We have brought our identity proof with us today in Court and copy of the same are Ex.P1 and Ex.P2.”

Similarly, the injured Jagir Kaur, respondent no.3, has also got recorded her statement to the effect that the compromise has been effected

between the parties without any pressure and coercion and with their free will and they have no grudge against each other and thus, the FIR in question and may kindly be quashed.

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.13 dated 12.02.2017 under Sections 325, 323, 148 and 149 IPC registered at P.S. Bahawala, Tehsil Abohar, District Fazilka (Annexure P-1) and subsequent proceedings arising therefrom, are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2).

August 16, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No