

CRM-M-1988-2018

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

CRM-M-1988-2018

Date of Decision: 14th May, 2018

Hardeep Singh & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Himanshu Monga, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. R.K. Arya, Advocate for
Mr. Maneet Kumar Arya, Advocate
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.90 dated 13.12.2017, under Sections 323, 324, 325, 452, 148 and 149 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Shri Hargobindpur, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 10.01.2018 (Annexure P-2) entered into between the parties.

The case came up for hearing before this Court on 18.01.2018, when following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.90, dated

13.12.2017, registered under Sections 323, 324, 325, 452, 148, 149 of the IPC, at Police Station Shri Hargobindpur, District Batala (Annexure P-1) on the basis of a compromise (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand over a copy of the petition to him during the course of the day.

Mr. Maneet Kumar Arya, Advocate, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2).

Meanwhile, the parties through their counsel are directed to appear before the Ilqa Magistrate/Trial Court on **20.02.2018**, who will record their statements with regard to the compromise on the said date or on any other convenient date. The Magistrate is directed to record the statements of both the parties to his/her satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate is also directed to send a report, alongwith statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The Magistrate shall also intimate if the petitioner has been declared as proclaimed offender.

To come up on **27.03.2018**.

Copy of this order be sent to Ilqa Magistrate/Trial Court concerned for information and compliance.”

In compliance with the above order, parties appeared before the Judicial Magistrate Ist Class, Batala, on 20.02.2018 and got recorded their respective statements. On 17.03.2018, ASI Jagir Singh, Investigating Officer of the case also appeared before the said Court and got recorded his statement. On the basis of the statements of the parties, Judicial Magistrate Ist Class, Batala, has submitted its report dated 19.03.2018, wherein, it has been concluded that the compromise between the parties is valid and genuine and it is voluntarily effected with their free will and consent and without any pressure, threat, coercion or undue influence from any quarter.

Counsel for the petitioners as also counsel for complainant-respondent No.2 submit that the present petition may be allowed in the light of the report of Judicial Magistrate Ist Class, Batala, as the parties have amicably resolved their dispute. Counsel for complainant-respondent No.2 further states that the compromise which has been entered into between the parties still holds good and the complainant has no objection if the FIR which was recorded at his behest is quashed as he is no more interested in pursuing the same.

Keeping in view the above statements of the counsel for the parties and the facts along with the report of the Judicial Magistrate Ist Class, Batala, dated 19.03.2018, wherein, it has been concluded that the compromise entered into between the parties is genuine, the interest of justice would be duly served by bringing an end to the dispute which arisen and resulted in the incident and consequently to registration of the FIR and thereafter, the compromise.

In the light of the above and 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.90 dated 13.12.2017, under Sections 323, 324, 325, 452, 148 and 149 of IPC, registered at Police Station Shri Hargobindpur, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

14th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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