

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19888 of 2018

Date of decision: 01.08.2018

Narinder Kumar and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Sandeep Godara, 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.77 dated 13.08.2009 (Annexure P-1), registered for offences punishable under Sections 186/353/333/148/149 of Indian Penal Code (for short 'IPC') at Police Station Kalanaur, District Gurdaspur, along with all consequential proceedings arising therefrom, on the basis of compromise dated 01.05.2018 (Annexure P-3).

The instant FIR was registered on the complaint of Constable Pritam Masih. As per allegations in the FIR, on 13.08.2009, petitioners entered the police station, gave pushes to complainant and also torn his dress.

Learned counsel for petitioners submits that police after investigation found the instant case as false and filed cancellation report. However, trial Court sent the case back for further investigation and till date challan has not been filed. He further submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-3 .

Learned State counsel endorses the submissions of learned

counsel for petitioners to this effect and has not disputed the compromise between the parties.

Learned counsel appearing for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-3), respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

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 13.06.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure, 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. 77 dated 13.08.2009 (Annexure P-1) registered at Police Station Kalanaur, District Gurdaspur along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

August 01, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No