

CRM-M-1954-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1954-2017

Date of Decision: 21st May, 2018

Niranjan Singh

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K. Choudhary, Advocate, for the petitioner.
Mr. Kuldeep Singh, Sr. DAG, Punjab.
Mr. S.K. Arya, Advocate for complainant-respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 27.07.2017,
when following order was passed:-

“This is a petition under Section 482 Cr. P. C. for quashing of the FIR No. 33 dated 18.05.2014 under Section 295-A IPC registered at Police Station Smalsar, District Moga on the basis of compromise.

The parties are directed to appear before the trial Court for recording their statements with regard to compromise/settlement on 10.08.2017.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

1. Whether any accused is proclaimed offender;
and
2. Whether the compromise is genuine, voluntary,
and without any coercion or undue influence.

Adjourned to 06.10.2017.”

In compliance with the above order, parties appeared before the Sub Divisional Judicial Magistrate, Bagapurana, District Moga and got recorded their respective statements. The Sub Divisional Judicial Magistrate, Bagapurana, District Moga, on the basis of the statements of the parties, submitted a report dated 28.08.2017, wherein, it has been asserted that the Court is satisfied that the compromise which has been effected between the parties is without undue influence or coercion.

Counsel for the petitioner, in the light of the report of Sub Divisional Judicial Magistrate, Bagapurana, District Moga, referred to above, prays that the present petition be allowed and the FIR which has been registered at the behest of complainant-respondent No.2 be quashed as the parties have amicably resolved their dispute.

Counsel for respondent No.2-complainant states that respondent No.2-complainant abides by the compromise, which has been entered into between the parties and he has no objection if the FIR in question is quashed which was recorded on his behest.

Keeping in view the facts and circumstances of the case and the report of Sub Divisional Judicial Magistrate, Bagapurana, District Moga, according to which, compromise entered into between the parties is genuine, the interest of justice would be served to put an end to the dispute so that the parties can in future amicably stay together and move forward in life.

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.***

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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. 33 dated 18.05.2014 under Section 295-A IPC registered at Police Station Smalsar, District Moga and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

21st May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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