

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 30.01.2018

CRM-M-20118-2017

Tilak Raj and others

...PETITIONERS

VERSUS

State of Punjab and others

...RESPONDENTS

CRM-M-20151-2017

Nimba and others

...PETITIONERS

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.S.Sharma, Advocate,
for the petitioners in CRM-M-20118-2017,
for respondents No. 2 and 3 in CRM-M-20151-2017.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State-respondent No. 1.

Mr. Naveen Sharma, Advocate,
for Mr. S.K.Tandon, Advocate,
for the petitioners in CRM-M-20151-2017,
for respondents No. 2 to 4 in CRM-M-20118-2017.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two petitions i.e. CRM-M-20118 of 2017 titled as **Tilak Raj and others vs. State of Punjab and others** and CRM-M-20151 of 2017 titled as **Nimba and others vs. State of Punjab and others**, which arise out of the same incident.

Petitioners in CRM-M-20118 of 2017 have approached this Court for quashing of FIR No. 36 dated 17.03.2017 under Sections 323, 324, 452, 148, 149 IPC at Police Station Kotwali Kapurthala District Kapurthala and all consequential proceedings arising therefrom in the light

of the compromise dated 04.05.2017 (Annexure P-2), which is in the form of an affidavit of the complainant, whereas in CrI. Misc. No. 20151 of 2017, prayer is for quashing of cross version of the FIR, which stands recorded at DDR No. 33 dated 17.03.2017 under Sections 148, 323,149 IPC at Police Station Kotwali Kapurthala, District Kapurthala and all consequential proceedings arising therefrom in the light of the compromise referred to above.

The case came up for hearing before this Court on 31.05.2017 when this Court had directed the parties to appear before the Illaqa Magistrate/trial Court for recording of statements on the basis of the compromise, which has been entered into between the parties and the Court, after recording the statements, was directed to submit the report with regard to the genuineness of the same.

In pursuance to the order passed by this Court on 31.05.2017, the parties appeared before the Judicial Magistrate Ist Class, Kapurthala and got recorded their statements. After recording of their statements, the learned Judicial Magistrate Ist Class, Kapurthala has submitted the report, according to which, the compromise, which has been entered into between the parties, is voluntarily, without any pressure or coercion with the aid and advice of the respectable of the locality.

Counsel for the parties acknowledge the fact that a compromise has been entered into between the parties. Counsel for the State, on instructions from ASI Lakhwinder Singh, Police Station Kotwali Kapurthala, also accepts the compromise, which has been entered into between the parties. He, however, states that the challan has not yet been presented

Keeping in view the fact that the parties have entered into a compromise and settled their dispute being neighbours with the intervention of the respectables of the area, it would be in the interest of justice that the dispute would come to an end so that the parties can live happily and move forward in life instead of wasting their time in Court. The trial may also be a futile exercise in the light of the compromise, which has been entered into between the parties.

The ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, also supports the amicable settlement of the dispute so that the parties can live together happily without any ill will against each other.

These petitions are, therefore, allowed. FIR No. 36 dated 17.03.2017 under Sections 323, 324, 452, 148, 149 IPC at Police Station Kotwali Kapurthala District Kapurthala and all consequential proceedings arising therefrom and the cross version recorded at DDR No. 33 dated 17.03.2017 under Sections 148, 323, 149 IPC at Police Station Kotwali Kapurthala, District Kapurthala and all consequential proceedings arising therefrom are hereby quashed.

January 30, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No