

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-22457-2016

Date of decision: 30.01.2018

Munshi and others

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gagandeep Singh, Advocate,
for Mr. A.S.Manaise, Advocate,
for the petitioners.

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

Mr. Kanwaljeet Singh, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for quashing of FIR No. 22 dated 25.04.2015 under Sections 323/324/326/34 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur and all consequential proceedings arising therefrom in the light of the compromise/affidavit dated 04.06.2016 (Annexure P-2).

When the case came up for hearing before this Court after issuance of notice of motion on 28.07.2017 when the following order was passed:-

“ Parties shall appear before the trial Court/Illaq
Magistrate, which shall record the statements of the parties and

its satisfaction that parties have compromised the matter amicably with their free will and without any pressure from any corner. Trial Court/Illaq Magistrate shall send its report to this Court by the next date of hearing.

Adjourned to 26.9.2017.”

In pursuance to the above order, parties appeared before the Judicial Magistrate Ist Class, Gurdaspur on 05.09.2017 and got their statements recorded. On the basis of the said statements of the parties, report has been submitted by the Judicial Magistrate Ist Class, Gurdaspur and it has been opined that the petitioners and respondent No. 2 are neighbours. With the intervention of the respectables and to maintain peace and harmony, an amicable settlement has been entered into between the parties by resolving their dispute. It has further been opined that the compromise is voluntary and without any pressure. None of the accused is a proclaimed offender.

Keeping in view the fact that the petitioners and the complainant-respondent No. 2 are neighbours and they have decided to resolve the dispute between them and settle the same, which is apparent from the compromise dated 04.06.2016 (Annexure P-2) which is in the form of an affidavit of the complainant-respondent No. 2 and keeping in view the fact that the dispute having been amicably resolved and they being neighbours should live with harmony which is in the larger interest of the society and interest of the community as such, the present petition is allowed.

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 amicable resolution of the disputes which need to be encouraged to reduce ill will between the parties especially the neighbours and relatives.

FIR No. 22 dated 25.04.2015 under Sections 323/324/326/34 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur 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