

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22689-2018 (O&M)

Date of Decision:-20.09.2018.

Harjinder Singh @ Rajinder @ Ghudru and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajesh Bhatheja, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for respondent Nos.2 and 3.

P.B. BAJANTHRI, J. (Oral)

Petitioners are seeking quashing of FIR No.72 dated 09.06.2015 under Sections 325/323/148/149 IPC, registered at Police Station, Nihal Singh Wala, District Moga and all other consequential proceedings arising therefrom on the basis of compromise dated 19.04.2018 (Annexure P-3) arrived at between the parties.

2.) Learned counsel for the parties submitted that FIR is the outcome of sudden quarrel and fit of anger. Now with the intervention of relatives and friends, parties have amicably settled their dispute and entered into compromise.

3.) This Court vide order dated 26.07.2018 had directed the parties

to appear before the Trial Court/Illaq Magistrate on 07.09.2018 for

recording their statements with regard to veracity of the compromise. The Sub-Divisional Judicial Magistrate, Nihal Singh Wala has sent her report dated 12.09.2018 wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence. She further reported that petitioner No.5 not appeared for recording compromise.

4.) In view of the law laid down by Hon'ble the Supreme Court in the case of **"Anita Maria Dias and another Vs. State of Maharashtra and another"** reported in **(2018) 3 SCC 290**, no useful purpose will be served by continuing the criminal proceedings. Therefore, petition is allowed and FIR No.72 dated 09.06.2015 under Sections 325/323/148/149 IPC, registered at Police Station, Nihal Singh Wala, District Moga and all other consequential proceedings arising therefrom are hereby quashed qua the petitioner Nos.1 to 4 only on the basis of compromise dated 19.04.2018 (Annexure P-3), subject to payment of litigation cost to the State of Punjab a sum of ₹ 5,000/- by each of the petitioner. Cost be remitted in the Treasury, State of Punjab within a period of 3 months from today. However, petition qua petitioner No.5 stands dismissed as there is no compromise before the Trial Court between the complainant and petitioner No.5.

(P.B. BAJANTHRI)
JUDGE

September 20, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.