

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-24436-2017

Date of decision : 18.04.2018

Gian Chand and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Yogesh Goel, Advocate
for the petitioners.

Mr.H.S.Grewal, Addl.A.G. Punjab.

Mr.Deepak Goyal, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioners seek quashing of FIR No.121 dated 27.05.2017, registered at Police Station no.6, District Ludhiana, alleging therein the commission of offences punishable under Sections 323, 324, 341, 427, 506, 34 IPC (Sections 307/326 IPC added later), on the basis of a compromise arrived at between them, i.e. the petitioners-accused and respondent no.2, Pushap Kumar Bansal, stated to be the brother of petitioners no.1 and 4 (which also seems to be obvious from the parentage shown in the memo of parties).

Learned counsel appearing for respondent no.2 does not deny the relationship or the factum of compromise arrived at.

Vide an order of this Court dated January 18, 2018, the petitioners and respondent no.2 had been directed to appear before the Area

stated to have reached between them. The report of the learned JMIC, Ludhiana, dated 21.02.2018, has been received, stating therein that the statements of the petitioners as also respondent no.2 were recorded before that Court to the effect that they have entered into a compromise with each other and would not go in for further litigation after quashing of the FIR in question.

As per the assessment of learned Magistrate, the compromise arrived at between the parties is valid, genuine, voluntary and without any coercion or undue influence.

Therefore, even though one of the offences alleged to have been committed is punishable under Section 307 IPC and another offence under Section 326 of the IPC was also added in the list of offences mentioned in the FIR, this Court is of the opinion that petitioners no.1 & 4 being brothers of complainant-respondent no.2 and petitioners no.2 & 3 being the sons of petitioner no.1 (nephews of respondent no.2), petitioner no.5 being a friend of petitioner no.1, it would be in the interest of harmony and peace to allow the petition, even while keeping in mind the ratio of the judgment of the Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, 2014(2) RCR (Criminal) 482***, wherein it has been held that normally in criminal cases registered alleging therein an offence punishable under Section 307 IPC, the FIR itself should not be quashed on the basis of a compromise, it being an offence affecting society at large, but with each case to be seen as per the circumstances and the nature of injuries inflicted.

Consequently, this petition is allowed and and FIR No.121 dated 27.05.2017, registered at Police Station no.6, District Ludhiana,

alleging therein the commission of offences punishable under Sections 323, 324, 341, 427, 506, 34 IPC (with sections 307/326 IPC added later), along with all proceedings emanating therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

April 18, 2018.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No