

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29499-2018 (O&M)

Date of Decision:-24.9.2018

Pawan Kumar and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Kanwal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Mr. Amit Arora, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek quashing of FIR No.70 dated 18.7.2014 registered under Sections 325, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Haryana, District Hoshiarpur and also for setting aside the judgment of conviction dated 21.2.2018 passed by the learned Judicial Magistrate 1st Class, Hoshiarpur, wherein they have been held guilty for having committed offences punishable under Sections 325, 323 and 34 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 17.7.2018, the parties had been directed to appear before the lower Appellate Court so as to get their statements recorded qua the factum of compromise.

Report of learned Additional District and Sessions Judge, Hoshiarpur has been received to the effect that the statements of the parties

have been recorded qua the factum of compromise. Balraj Singh-complainant has specifically stated that with the intervention of respectables, the misunderstanding of both the parties has been resolved and the matter stands compromised and that he has no grudge against the accused and that he has no objection in case the FIR in question is quashed. To the similar effect are the statements of the petitioners. It has specifically been opined that the parties have entered into compromise voluntarily and without there being any pressure, coercion or undue influence.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.70 dated 18.7.2014 registered under Sections 325, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Hariana, District Hoshiarpur and all the consequent proceedings arising therefrom are hereby quashed. Consequently, the judgment of conviction dated 21.2.2018 passed by the learned Judicial Magistrate 1st Class, Hoshiarpur, wherein the petitioners have been held guilty for having committed offence punishable under Sections 325, 323 and 34 of Indian Penal Code, 1860 is set aside.

The present stands accepted accordingly.

24.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No