

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

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CRM-M No.31835 of 2016 (O&M)
Date of Decision: March 26th, 2018

Balwinder Singh @ Jhandu

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jasbir Singh Mohri, Advocate
for Mr. Jaspal Singh Dappar, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

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

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM No.30758 of 2017

Prayer in this application is for correction of FIR number in the
prayer clause and para No.2 of the petition.

For the reasons mentioned in the application, the same is
allowed.

CRM-M No.31835 of 2016

This case came up for hearing before this Court on 22.09.2016,
when following order was passed:-

*“This is a petition for compounding the offences under
Sections 324, 323, 341, 506, 34 IPC and for quashing the FIR
No. 167 dated 25.07.2011 on the basis of compromise arrived
at between the parties during appeal before the
Appellate Court.*

Notice of motion.

*On the asking of the Court, Ms.Amarjit Kaur Khurana,
Addl.AG, Punjab, accepts notice on behalf of the respondent-
State.*

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day.

Adjourned to 05.12.2016.

In the meantime, let the parties appear before the trial Court on 27.09.2016 the date which is stated to be fixed there or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.”

In compliance with the said order, parties appeared before the District and Sessions Judge, SAS Nagar, Mohali, on 27.09.2016 and got recorded their respective statements.

On the basis of the statements of the parties, learned District and Sessions Judge, SAS Nagar, Mohali, in the report dated 29.09.2016 concluded that the Court is satisfied that the compromise between the parties is valid and genuine, without any coercion or undue influence from any corner. No other criminal proceedings are pending against them.

In the light of the report of the learned District and Sessions Judge, SAS Nagar, Mohali, counsel for the petitioner as also the counsel for the complainant state that the present petition may be allowed.

Counsel for the complainant states that the compromise has been entered into between the parties with the intervention of the respectables and keeping in view the above fact, the complainant has no objection if the present petition is allowed by quashing the FIR which was registered at his behest.

Keeping in view the fact that the compromise has been duly entered into between the parties at the stage when the appeal is pending after conviction, however, in the light of the principles laid down by judgment of Supreme Court in *Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429* and in *Criminal Appeal No.1723 of 2017* titled as *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another*, decided on 04.10.2017, the present petition deserves to be allowed as the matter stands amicably settled between the parties. They belong to the same village and, therefore, better sense is prevailed amongst them that they can amicably resolve the dispute and continue a relationship.

The present petition is allowed.

FIR No.167 dated 25.07.2011 registered under Sections 323, 324, 341, 506, 34 IPC at Police Station City Dera Bassi, District SAS Nagar, Mohali and all other consequential proceedings arising therefrom, are hereby quashed.

March 26th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No