

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

CRM-M No.3282 of 2018 (O&M)

Date of Decision: 16.05.2018

Gurdeepak Singh @ Deepu and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prashant Vashisth, Advocate for the petitioners.

Mr. A.S.Dhaliwal, Deputy Advocate General, Punjab
for respondent No.1/State.

Mr. V.K.Kaushal, Advocate for respondent Nos.2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.231 dated 31.12.2016 (**Annexure P-1**), under Sections 307, 324, 323, 34 of the Indian Penal Code (Section 307, IPC replaced with Section 201, IPC later on), registered at Police Station Dakha, Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 09.01.2018 (**Annexure P-2**) entered into between the parties.

This Court, while issuing notice of motion on 25.01.2018, passed the following order:-

“ *Notice of motion.*

Mr. Vinod Kumar Kaushal, Advocate puts in appearance on behalf of respondent Nos.2 to 4 by filing power of attorney, which is taken on record.

On the asking of the Court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State. A complete set of the petition be supplied to the State counsel during the course of the day.

It is stated by both the parties that although offence under Section 307 IPC was mentioned in the FIR but later on it was deleted and Section 201 IPC was added. It has also been agreed between both the parties before this Court that matter has already been compromised between them.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 16.2.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.*
- ii. Whether any accused is proclaimed offender.*
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 28.2.2018. ”

In terms of above order, the statements of both the parties were recorded by the learned Judicial Magistrate 1st Class, Ludhiana and submitted a report dated 22.02.2018. The operative part of the same reads as under:-

' Accordingly, as per directions of Hon'ble High Court vide order dated 25.01.2018 it is most humbly intimated as under:-

- i) Respected Sir, from the statements of the parties, it appears that compromise has been effected between the parties without any pressure and with their free will.*
- ii) As per statement of ASI Major Singh, I.O. of the present case, FIR No.231 dated 31.12.2016, under Sections 307, 324, 323, 34, IPC, P.S. Dakha, Ludhiana and later on, Section 307, IPC has been replaced with Section 201, IPC, i.e., in the present FIR, only four persons namely Gurdeepak Singh @ Deepu, Harpreet Singh @ Happy, Harmandeep Singh @ Harmanjot Singh and Lakhvir Singh @ Goggy were arrayed as accused persons and none of accused has been declared proclaimed offender. '*

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel, on instructions from ASI Baljinder Singh, has acknowledged the above fact and further stated that charges have not been framed in this case and he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

Disposed off accordingly.

May 16, 2018
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>Yes</i>