

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

CRM-M-337-2018

Date of Decision:29.05.2018

Rakesh Kumar alias Kalu and another

.....Petitioners

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Siddharth Sharma, Advocate,
for the petitioners.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab.

Mr.Rohit Samhotra, Advocate,
for respondents no.2 and 3.

AMOL RATTAN SINGH, J. (Oral)

By this petition, quashing of FIR No.73, dated 03.06.2007, is sought, registered against the petitioners at Police Station Sadar Kapurthala, District Kapurthala, for the alleged commission of offences punishable under Sections 326/324/341/323/427/34 of the IPC. Setting aside the impugned judgment dated 18.12.2013, passed by the Court of the Judicial Magistrate Ist Class, Kapurthala (Annexure P-2), is also sought, both on the basis of a compromise arrived at between the petitioners (accused) and respondents no.2 and 3, with respondent no.2 being the complainant.

Vide orders of this Court dated 09.01.2018, the parties were directed to appear before the appellate Court to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order of this Court, a report of the learned Addl.Sessions Judge, Kapurthala, has been received, to the effect that “all parties appeared before the Court” and recorded their statements in terms of the compromise reached between them, with the persons making the statements having been identified by their respective counsel before that Court.

As per the assessment of the learned appellate Court (learned Addl.Sessions Judge, Kapurthala), the compromise arrived at has been effected voluntarily and with the free will and consent of the parties, with no pressure and coercion on either side.

Copies of the statements made by respondents no.2 and 3, Jagtar Singh @ Jagga and Gurdev Singh respectively, as also of the petitioners, Rakesh Kumar and Manjit Kaur, have been annexed with the report of the learned Addl.Sessions Judge.

As the matter has been fully compromised between the parties, in order to try and promote peace and harmony in the vicinity, though the petitioners are shown to have been convicted by the trial Court, however, with the offences alleged being ones punishable under Sections 326/324/341/323/427/34 of the IPC and the injuries seen to be on non-vital part of the body, I see no reason not to allow this petition.

Consequently, the petition is allowed and FIR No.73, dated 03.06.2007, registered against the petitioners at Police Station Sadar Kapurthala, District Kapurthala, alleging therein the commission of offences punishable under Sections 323/324/326/341/427/34 of the IPC, alongwith all consequential proceedings emanating therefrom, is hereby quashed, with the judgment of the learned trial Court dated 18.12.2013 and order of sentence of that date, also set aside.

May 29, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO