

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36911-2017 (O&M)

Date of decision:- 07.02.2018

Dharam Chand and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Satpreet Grewal Kapila, Advocate
for the applicants-petitioners.

Mr. Harbir Sandhu, AAG, Punjab.

Ms. Suminderdeep Kaur, Advocate
for respondents No.2 to 5.

MAHABIR SINGH SINDHU, J. (ORAL)

CRM-4089-2018

Application is allowed, as prayed for. Accompanying documents (Annexures P-6 to P-14), are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-36911-2017

Present petition is filed praying for quashing FIR No.174 dated 03.10.2011, under Sections 323, 324, 447, 379, 511, 506, 148 and 149 IPC, registered at Police Station Tanda, District Hoshiarpur, on the basis of compromise entered into between the parties.

2. Both the parties were directed by this Court vide order dated 30.10.2017 to appear before the learned trial Court/Area Magistrate and get their statements recorded and in pursuance thereof, learned Sub-Divisional Judicial Magistrate, Dasuya, recorded the statements of both the parties and submitted a report dated 29.11.2017. A perusal of the report reveals that the compromise entered into between the parties is genuine except that name of accused Soni @ Sandeep Singh is not mentioned as accused in the present challan but accused namely Sunny @ Shin Nagar is mentioned and it is further mentioned name of accused Bittu @ Parita as Pritam Singh @ Bindu.

3. It has been pointed out by learned counsel for the petitioners that there is some confusion in the report submitted by learned Sub-Divisional Judicial Magistrate, regarding the names of petitioners No.7 and 10. It is clarified in application bearing CRM-4089-2018 that name of petitioners No.7 is Soni @ Sandeep Singh and name of petitioner No.10 is Bittu @ Parita and that is very much clear from the affidavits as well as Aadhar Cards of both the petitioners No.7 and 10. Further, perusal of report under Section 173 Cr.P.C. clearly shows that names of petitioners No.7 and 10 are Soni @ Sandy and Bittu @ Parita.

4. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

5. Even as on today the parties are not disputing the factum of compromise arrived at between them.

6. Heard.

7. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefrom, qua petitioners only, are quashed.

8. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

February 07, 2018
naresh.k

Whether reportable?	Yes
Whether reasoned/speaking?	Yes