

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

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CRM-14397 of 2018 in/and
CRM-M No.37122 of 2017

Date of Decision: April 25th, 2018

Karan Dhir and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Harmeet Kaur, Advocate
for Mr. Zubin Chhura, Advocate
for the applicants-petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.14397 of 2018

Prayer in this application is for preponement of the hearing of the case and for disposal thereof.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Mr. Sanjeev Kumar, Advocate, for Mr. Saransh Sabharwal, Advocate, puts in appearance on behalf of respondent No.2 and states that he has no objection in case the present application is allowed.

In view of the statement of counsel for respondent No.2 and for the reasons mentioned in the application, hearing of the main case is preponed from 24.07.2018 and the case is taken on board for final disposal.

CRM-M No.37122 of 2017

Prayer in this petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.213 dated 28.07.2017 registered under Sections 323, 325, 341, 506, 148, 149 IPC at Police Station Sultanpur Lodhi,

on the basis of a compromise which has been entered into between the parties which stands acknowledged on the basis of affidavit dated 25.09.2017 by respondent No.2/complainant/injured-Baljinder Singh @ Happy.

The case came up for hearing before this Court on 04.10.2017, when this Court on issuing notice to the respondents, directed the Court below to record statements of the parties.

In pursuance to the said order, parties appeared before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi on 23.10.2017 and got recorded their respective statements supporting the factum of compromise which has been entered into between the parties.

In pursuance to the statements of the parties, learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, vide report dated 27.10.2017 has concluded that the agreement/compromise which has been entered into between the parties is genuine, voluntary and without any threat, pressure, coercion or undue influence and they do not have any grudge or revenge against each other and want to live peacefully to avoid untoward incident in future.

₹1,000/- each which was ordered to be deposited have also been deposited by the petitioners.

In pursuance to the report of the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, counsel for the petitioners as also the counsel for respondent No.2 pray that the present petition may be allowed, especially when there is a compromise which has been entered into between the parties which factum is acknowledged by the counsel for

respondent No.2 in Court today as well.

Keeping in view the fact that the matter has been amicably resolved and the parties have put the dispute to an end and want to live a peaceful life in future, it would be in the interest of justice that the proceedings which were initiated at the behest of complainant-respondent No.2 which resulted in the impugned FIR and the consequential proceedings arising therefrom be quashed.

In view of the above and keeping in view 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 is allowed and FIR No.213 dated 28.07.2017 registered under Sections 323, 325, 341, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

April 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No