

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

**CRM-M-37845-2017 (O&M)**

Date of Decision:- 22.10.2018

Salam Deen and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vishal Munjal, Advocate, for the petitioners.

Ms. Ruchika Sabbharwal, AAG, Punjab.

Mr. Vipin Mahajan, Advocate, for respondents No.2 to 4.

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**GURVINDER SINGH GILL, J. (Oral)**

The present petition has been filed for quashing of FIR No. 49 dated 24.5.2017 under Sections 452, 436, 323, 148, 149 IPC, Police Station Shahpur Kandi, Pathankot and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 30.1.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements recorded.

Learned Chief Judicial Magistrate, Pathankot had initially recorded the statement of complainant/respondent No.2 Teg Ali to the effect that he has compromised the matter with the accused. Statements of all the

petitioners namely Salam Deen, Ashraf Deen, Bali Mohd., Salam Hussain @ Sadam, Liakat Ali, Sabir @ Sawaru and Sadak had also been recorded to an identical effect. Subsequently, vide order dated 26.3.2018, this Court had directed that statements of respondents No.3 and 4 i.e. the injured persons be also recorded. Consequently, after recording statements of respondents No.3 and 4 namely Sher Ali @ Sheru and Fazal Deen to the effect that they have compromised the matter, a fresh report was sent by learned Chief Judicial Magistrate, Pathankot wherein it was recorded that they have entered into a compromise with the intervention of respectables. The complainant and injured persons have specifically stated that they have no objection if the FIR in the present case is quashed. The learned Chief Judicial Magistrate, Pathankot opined that the parties have entered into the compromise voluntarily, without there being any pressure, coercion or undue influence.

In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No. 49 dated 24.5.2017 under Sections 452, 436, 323, 148, 149 IPC, Police Station Shahpur Kandi, Pathankot and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

**October 22, 2018**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No