

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

**260**

**CRM-M-4092-2018**

**Date of decision: 23.04.2018**

Gurbaj Singh and others

**...PETITIONERS**

**VERSUS**

State of Punjab and another

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. M.K.Dogra, Advocate,  
for the petitioners.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,  
for the State.

Mr. Ankush Sharma, Advocate,  
for respondent No. 2.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Prayer in this petition is for quashing of FIR No. 201 dated 05.08.2013 (Annexure P-1) under Sections 323/452/427/506/148/149 IPC (Later on added Section 326 IPC) registered at Police Station Chheratta, District Amritsar City and all consequential proceedings arising therefrom in the light of the compromise dated 22.07.2016 (Annexure P-2).

On 01.02.2018, when this case came up for hearing, the following order was passed:-

“ Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.201 dated 05.08.2013 (AnnexureP-1), registered under Sections

323/452/427/506/148/149 of the IPC, later on added Section 326 of the IPC, at Police Station Chheratta, District Amritsar, on the basis of a compromise dated 22.07.2016 (Annexure P-2) arrived at between the parties.

Notice of motion.

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

Counsel for the petitioners has handed over a complete copy of paper book to the counsel for the State.

Mr. Ankush Sharma, Advocate, has filed power of attorney on behalf of respondent No.2-complainant and admits the compromise.

Counsel for the parties state that after the registration of the FIR, although the challan has been presented but a compromise has been entered into between the parties, copy whereon has been appended as Annexure P-2. They further state that the accused and the complainant would appear before the trial Court on 16.02.2018, which is the date fixed and get their statements recorded with regard to the compromise.

In view of the statement made by counsel for the parties, the parties are directed to appear before the trial Court on **16.02.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The trial Court is directed to record the statements of the

accused, complainant/injured and victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are *bona fide* and are not result of any pressure or coercion etc. in any manner?
- (ii). Whether the compromise effected between the parties is genuine and valid?
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up before this Court on **23.04.2018**.

Copy of this order be sent to the trial Court concerned forthwith for information and compliance.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the JMIC, Amritsar, who has proceeded to record their statements and on the basis of the same, report has been submitted indicating that the compromise, which has been entered into between the parties, is voluntary, with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. It has been concluded that the compromise between the parties is genuine and valid, without any coercion from any quarter and out of free will.

In the light of the report of the JMIC, Amritsar dated

27.02.2018, counsel for the parties submit that the present petition may be allowed as the matter has been amicably settled and it would be in the interest of the parties especially when they are residing in the same village so that peace and tranquillity persists.

Having considered the submissions made by the counsel for the parties and keeping in view the report of the JMIC, Amritsar dated 27.02.2018, the compromise being genuine, no useful purpose would be served by permitting the continuance of the proceedings especially when the complainant has no objection to the quashing of the FIR, which was registered at his behest. In the light of the compromise, which has been found to be genuine and keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 201 dated 05.08.2013 (Annexure P-1) under Sections 323/452/427/506/148/149 IPC (Later on added Section 326 IPC) registered at Police Station Chheratta, District Amritsar City and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

**April 23, 2018**  
*pj*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**