

CRM-M-41688-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41688-2016

Date of Decision: 22nd May, 2018

Lakhvir Singh & others

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Madan Bhandari, Advocate, for
Mr. Naresh Kumar Manchanda, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Rajender Kumar, Advocate for
Mr. Dharamveer Phour, Advocate
for respondents No.2 to 5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 19.01.2018,
when following order was passed:-

“Counsel for the parties contend that after registration of FIR No.75 dated 08.07.2012, under Sections 323, 324, 341, 506, 148 and 149 of the Indian Penal Code, at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1), a compromise has been entered into between the parties on 12.10.2015 (Annexure P-2).

Counsel for the petitioners states that the next date

of hearing before the trial Court is 22.01.2018 when the petitioner and private respondents will appear before the Court and get recorded their statements.

Let parties through their counsel are directed to appear before the trial Court on 22.01.2018, who will record their statements with regard to the compromise on the said date or at any other convenient date. The Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate is also directed to send a report along with copy of the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The Magistrate shall also intimate if any of the petitioners has been declared as proclaimed offender.

To come up on **23.03.2018** for further consideration.

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

In compliance with the above order, parties appeared before the Judicial Magistrate Ist Class, Fatehgarh Sahib and got recorded their

respective statements. The Judicial Magistrate Ist Class, Fatehgarh Sahib, on the basis of the statements of the parties, submitted a report dated 23.01.2018, according to which, the compromise entered into between the parties has been executed without any fear or favour, out of their free will and without any coercion or pressure. It is also mentioned that the Court is convinced that the compromise is genuine.

Counsel for the petitioners, in the light of the report of Judicial Magistrate Ist Class, Fatehgarh Sahib, referred to above, submits that the present petition may be allowed and the FIR in question be quashed as the parties have amicably resolved their dispute.

Counsel for respondents No.2 to 5 states that complainant party has no objection to the prayer made in the present petition as they, in the light of the compromise, are not interested in pursuing the FIR, which was registered against the petitioners.

Keeping in view the facts and circumstances of the case and the report of Judicial Magistrate Ist Class, Fatehgarh Sahib, referred to above, wherein, it has been concluded that the compromise entered into between the parties is genuine, without any coercion or pressure and the parties having amicably resolved the dispute, interest of justice would be duly served by putting an end to the litigation so that there is no grudge thereafter and they can move forward in life.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as ***'Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs.***

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State of Gujarat & another, decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.75 dated 08.07.2012, under Sections 323, 324, 341, 506, 148 and 149 of the Indian Penal Code, registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

22nd May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No