

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-6240-2017 &
CRM-M-44439-2016**

Date of decision: 20.03.2018

Amritpreet Singh @ Amritpal and others

...PETITIONERS

VERSUS

State of Punjab and others

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Harchand S. Batth, Advocate,
for the petitioners.**

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

**Mr. Gaurav Kalsi, Advocate,
for Mr. Jasvir S. Dhaliwal, Advocate,
for respondents No. 2 and 3.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-6240-2017

C.M. is allowed subject to just exceptions. Copies of Annexures P-5 (Colly) and P-6 are taken on record and filing of certified copies of the same is dispensed with.

CRM-M-44439-2016

Prayer in this petition is for quashing of FIR No. 144 dated 29.10.2015 (Annexure P-1) under Sections 326, 324, 323, 452, 506, 148, 149 IPC registered at Police Station Harike, District Tarn Taran and all consequential proceedings arising therefrom in the light of the compromise

dated 06.09.2016 (Annexure P-2), which is supported by the affidavit of Jagtar Singh son of Tarlok Singh-respondent No. 2-complainant and Prabhjot Singh son of Jagtar Singh-respondent No. 3-who is injured.

On 23.02.2017, when this case came up for hearing, the following order was passed:-

“ Notice of motion.

On asking of the Court, Mr. Gurinder Jit Singh, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Mr. Jasvir S. Dhaliwal, Advocate has put in appearance on his own on behalf of respondents No.2 and 3 and and filed his *vakalatnama* today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Harike, District Tarn Taran within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 28th August, 2017.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the JMIC, Patti on 09.03.2017 and got recorded their respective statements. In the light of the statements given

by the parties, the learned JMIC, Patti had proceeded to come to a conclusion that the compromise, which has been entered into between the parties, is without any pressure or coercion in any manner as they intend to live peacefully. They want to bring peace and harmony between the families as they are relatives and the compromise is genuine and without any influence.

On the basis of the report of the JMIC, Patti, counsel for the petitioners and respondents No. 2 and 3 state that the present petition deserves to be allowed. Counsel for respondents No. 2 and 3 further states that the complainant and the injured have no objection to the present petition being allowed in the light of the compromise as they do not want to pursue the FIR, which was registered at their behest against the petitioners.

Keeping in view the facts and circumstances of the case as also the report of the JMIC, Patti dated 09.03.2017, referred to above, the compromise being genuine, which has been entered into between the parties, with an intention to maintain peace between the families as they are related to each other, the present petition deserves to be allowed in the light of 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.

In view of the above, the present petition is allowed. FIR No. 144 dated 29.10.2015 (Annexure P-1) under Sections 326, 324, 323, 452, 506, 148, 149 IPC registered at Police Station Harike, District Tarn Taran

and all consequential proceedings arising therefrom are hereby quashed.

March 20, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No