

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45049 of 2017
Date of Decision: 18.12.2018

Major Singh and others

....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Jasmandeep Mehta, Advocate
for private respondents.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 105 dated 08.11.2016 (Annexure P-1) registered for offences punishable under Sections 307/323/324/148/149 of Indian Penal Code (for short 'IPC') at Police Station Chatiwind, District Amritsar (Rural), along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the occurrence took place on 08.11.2016 in which five persons, namely, Jatinder Singh, Ravinder Singh, Kashmir Singh, Sukhdev Singh, Malwinder Singh and Gurmit Singh suffered injuries.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file

as Annexure P-2.

Learned counsel for respondents No. 2 to 7 has submitted that in view of the compromise (Annexure P-2), private respondents have no objection if the impugned FIR (Annexure P-1) is quashed.

Though, the FIR was registered for offences punishable under Sections 307/323/324/148/149 IPC, learned State counsel on instructions from ASI Subash Chander submits that neither of the injuries on the person of any of the injured was declared dangerous to life. The injury on the person of Malwinder Singh was grievous in nature. She further submits that the matter has been amicably settled between the parties.

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 19.02.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature, genuine and without any undue influence or coercion.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No. 105 dated 08.11.2016 (Annexure P-1) registered for offences punishable under Sections 307/323/324/148/149 IPC at Police Station Chatiwind, District Amritsar (Rural), along with all

consequential proceedings arising therefrom, qua petitioners, is quashed.

December 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No