

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

CRM-M-45258-2017

Date of decision:- 20.03.2018

Sukhwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Brar, Advocate, for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. L.S. Sekhon, Advocate
for Mr. Vikram Manak, Advocate, for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.54 dated 09.04.2017, under Sections 341, 323, 325 and 34 IPC, registered at Police Station City-I, Abohar, District Fazilka, on the basis of compromise entered into between the parties.

2. While issuing notice of motion, the following order was passed by a Co-ordinate Bench of this Court on 29.11.2017: -

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 54 dated 9.4.2017, registered under Section(s) 341, 323 & 34 IPC (Section 325 IPC was added lateron) at Police Station City-1, Abohar, District Fazilka on the basis of compromise (Annexure P2).

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.

He further contended that challan has not yet been presented in the

Court.

Notice of motion.

On asking of the Court, Ms. Jaspreet Kaur, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No.1. Mr. Vikram Manak, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 15.12.2017 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 16.1.2018.”

3. In pursuance of above order, learned Sub-Divisional Judicial Magistrate, Abohar, recorded the statements of both the parties and submitted a report dated 19.12.2017 and operative part of the same reads as under: -

“The complainant Pargat Singh vide his separate statement as recorded before the Court has stated that present case was registered against the accused persons on his statement. However, he has compromised with accused persons i.e. Sukhwinder Singh, Gurwinder Singh, Atinderpal @ Pinder Pal and Gursantvir @ Gurmantvir with his free will and without any pressure. Now he has no objection if accused persons named above are acquitted/discharged and the quashing petition filed by them is accepted by the Hon'ble Punjab and Haryana High Court. On the other hand, accused party i.e. Sukhwinder Singh, Gurwinder Singh, Atinderpal @ Pinder Pal and Gursantvir @ Gurmantvir vide their separate statements as recorded before the Court, have admitted the statement of the complainant to be corrected and stated that quashing petition may kindly be accepted. The complainant has been identified by his counsel Sh. Rahat Sidhu, Advocate with the accused persons have

been identified by their counsel Sh. Manjit Jasuja, Advocate.

3. In the said back ground keeping in view the statements so suffered by the complainant as well as accused persons, it seems that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. It is further submitted that as per FIR as well as statement of complainant only above said four accused persons are facing trial in the present case and challan in the present case has yet not been presented in the court.”

4. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

5. No objection has been raised by the learned State counsel and learned counsel for respondent No.2 on a specific query put to them by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

6. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and did not affect any public peace or tranquillity and thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Accordingly, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioners, are hereby quashed.

7. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

March 20, 2018
naresh.k

Whether reportable?

Yes

Whether reasoned/speaking?

Yes