

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

268

CRM-M-49162-2017

Date of decision: 17.05.2018

Sharndeeep Singh and others

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Daman Jeet Bhorawal, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

Mr. Jaswinder Singh, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 122 dated 25.11.2017 (Annexure P-1) under Sections 324/323/452/380/341/427/148/149/120-B IPC registered at Police Station Cantt. Ferozepur and all consequential proceedings arising therefrom in the light of the compromise dated 05.12.2017 (Annexure P-2), which is duly supported by the affidavit of the complainant-Harmeet Singh-respondent No. 2.

On 21.12.2017, when this case was taken up for hearing, the following order was passed:-

“ Heard.

Notice of motion.

On asking to the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent No.1-State. Mr. Jaswinder Singh, Advocate has put in appearance for respondent No.2 and filed his power of attorney 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, Police Station Cantt. Ferozpur, District Ferozpur within one month from today to record their statements and the Illaqa Magistrate 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 17.05.2018.”

In compliance with the said order, the parties appeared before the Judicial Magistrate Ist Class, Ferozepur on 09.01.2018 and got recorded their respective statements. On the basis of the statements of the parties, learned Judicial Magistrate Ist Class, Ferozepur, has submitted a report dated 09.01.2018, according to which, the compromise, which has been effected between the parties, is genuine, without any sort of undue pressure or force.

Counsel for the petitioners, on the basis of the report, referred to above, submits that the present petition deserves to be allowed.

Counsel for the complainant-respondent No. 2 states that he has no objection if the FIR registered at his behest and all consequential

proceedings arising therefrom are quashed as the complainant is not interested in pursuing his grievance any further, as a matter of fact, there is no further grievance left.

Taking in view the statements made by the counsel for the parties as also the fact that a report has been received from the Judicial Magistrate Ist Class, Ferozepur dated 09.01.2018, according to which, the compromise, which has been entered into between the parties, is genuine, the interest of justice would be met by putting an end to the grievance, if any, which was there between the parties. Instead of permitting the continuation of trial in the Court, it would be better that the present petition is allowed.

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. 122 dated 25.11.2017 (Annexure P-1) under Sections 324/323/452/380/341/427/148/149/120-B IPC registered at Police Station Cantt. Ferozepur and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

May 17, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No