

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

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CRM-M No.49522 of 2017
Date of Decision: May 24th, 2018

Harpal Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Ms. Reena, Advocate
for Ms. Harpreet Kaur Arora, Advocate
for respondents No.2 to 5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.164 dated 06.11.2010 registered under Sections 323, 341, 506, 148, 149 IPC (Sections 325 and 201 IPC were added later on) at Police Station Lalru, District S.A.S. Nagar, and judgment of conviction dated 17.09.2016 passed by learned Judicial Magistrate Ist Class, Derabassi, on the basis of compromise dated 27.11.2017 (Annexure P-3).

In compliance with the order passed by this Court on 22.12.2017, wherein parties were called upon to put in appearance before the Appellate Court and give their respective statements, parties did appear before the learned Additional Sessions Judge, Mohali, on 17.01.2018 and got recorded their respective statements.

On the basis of the said statements, report dated 01.02.2018

has been submitted by the learned Additional Sessions Judge, Mohali, wherein it has been concluded that the Court is satisfied that both the parties have effected the compromise on their own free will and without any pressure or influence from any concern.

In view of the above report, counsel for the petitioners as well as the complainant submit that the present petition be allowed.

Counsel for the complainant asserts that the complainant has no objection to the quashing of the FIR and all consequential proceedings arising therefrom, in view of the compromise.

Keeping in view of the above facts, especially the report of the Additional Sessions Judge, S.A.S. Nagar, Mohali, dated 01.02.2018, interest of justice would be duly served by bringing an end to the dispute which has been amicably resolved between the parties and, therefore, the Court should facilitate the amicable resolution of the dispute by bringing an end to the said differences.

In view of the above and keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.164 dated 06.11.2010 registered under Sections 323, 341, 506, 148, 149 IPC (Sections 325 and 201 IPC were added later on) at Police Station Lalru, District S.A.S. Nagar, and judgment of conviction and order of sentence dated 17.09.2016 passed by learned

Judicial Magistrate Ist Class, Derabassi, along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 24th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No