

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

268

CRM-M No.49979 of 2017

Date of Decision: April 25th, 2018

Akashdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jagdeep S. Virk, Advocate
for the petitioner.

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

Mr. Manvinder Singh Bal, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The case came up for hearing before this Court on 12.02.2018,
when following order was passed:-

"It is the contention of learned counsel for the petitioner that FIR No.22 dated 07.03.2017 (Annexure P-1) was registered under Sections 307/324 IPC at Police Station Fatehgarh Churhian, Batala, District Gurdaspur. During investigation and during the pendency of the trial, a compromise dated 20.12.2017 (Annexure P-2) has been entered into between the parties. He thus prays for quashing of the said FIR in the light of the compromise.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioner undertakes to hand over a copy of the petition to the counsel for the State during the course of the day.

Mr. Manvinder Singh Bal, Advocate, has filed power of attorney on behalf of respondents 2 and 3. Same is taken on record.

Counsel for complainant-respondent No.3 Kuldeep Singh and injured-respondent No.2 Parminder Singh states that indeed a compromise has been entered into, copy

whereof is appended as Annexure P-2. The complainant and the injured have no objection in case instant FIR is quashed.

Counsel for the petitioner as also the counsel for respondents No.2 and 3 state that they would appear before the trial Court at Gurdaspur on 27.02.2018, which is the date fixed before the said Court and give their respective statements with reference to the compromise which has been entered into between the parties.

*In view of the statement made by the counsel for the parties, the parties are directed to appear before the trial Court on **27.02.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.*

The trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*To come up before this Court on **25.04.2018**.*

Copy of this order be sent to trial Court concerned forthwith for information and compliance.”

In pursuance to the said order, parties appeared before the Additional Sessions Judge, Gurdaspur, on 27.02.2018 and got recorded their respective statements. On the basis of these statements, the learned Additional Sessions Judge, Gurdaspur, has concluded that the compromise

between the parties is genuine and valid, based on *bona fide* interest on the part of the parties to settle the dispute and not a result of any pressure or coercion of any manner.

Counsel for the petitioner, on the basis of the report of learned Additional Sessions Judge, Gurdaspur, prays that the present petition may be allowed as the parties have compromised the matter and the dispute has been amicably settled with an intention to continue a peaceful life.

Keeping in view the fact that the matter has been amicably settled and the learned Additional Sessions Judge, Gurdaspur, has found that the compromise which has been entered into between the parties is genuine, valid, without any coercion, undue influence or pressure, it would be in the interest of justice that the proceedings initiated at the behest of respondent No.2, wherein respondent No.3 is injured, is hereby quashed so that peace may prevail in the society and there be no enmity between the parties.

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.22 dated 07.03.2017 registered under Sections 307/324 IPC at Police Station Fatehgarh Churhian, Batala, District Gurdaspur and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

April 25th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No