

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

272

CRM-M No.573 of 2018

Date of Decision: April 25th, 2018

Lias alias Ilias Masih and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

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

Mr. Harmandeep Singh Bhullar, Advocate
for Mr. Subhash Chand, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.01.2018, following order was passed:-

“Prayer in this petition is for quashing of FIR No.48 dated 27.07.2016 (Annexure P-1) under Sections 452, 324, 323, 148, 149 of IPC registered at Police Station Dera Baba Nanak, Batala and all other consequential proceedings arising therefrom.

It is contended that Manna Masih-complainant has entered into a compromise with the petitioners. The other injured, father of the complainant, Chiman Masih unfortunately has expired. It is, therefore, contended that the FIR and all other consequential proceedings arising therefrom may be quashed.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Subhash Chand, Advocate, puts in appearance on behalf of respondent no.2 and acknowledges the fact about the death of father of respondent No.2 as also the compromise dated 29.08.2016 (Annexure P-2).

In the light of the above, parties are directed to appear before the Illaqa Magistrate/Duty Magistrate, Batala, on 08.02.2018, who shall record their statements and send a report to this Court as to whether the compromise is genuine and without any pressure or undue influence. The Magistrate shall also intimate if any of the petitioners has been declared as proclaimed offender.

Copy of this order be sent for information and compliance.

To come up before this Court on 19.03.2018.”

In compliance with the said order, the statements of the parties have been recorded by the Judicial Magistrate 1st Class, Batala.

In pursuance to the statements of the parties, in the report sent by learned Judicial Magistrate 1st Class, Batala, it has been submitted that the statements of the parties were recorded on 08.02.2018, where the compromise which has been entered into between the parties has been found to be genuine, not a result of pressure or coercion and out of free will. It has been pointed out that there are five accused but the compromise which has been entered into between the parties is with the petitioners only. Accused Rajesh Kumar @ Soni had not joined the petitioners.

Counsel for the petitioners as well as counsel for respondent No.2-complainant states that the present petition qua the petitioners may be allowed.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations in the FIR and the offences for which the FIR stands registered, the Court is satisfied that the interest of justice would be duly served if the FIR against the petitioners is hereby

allowed to continue.

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.48 dated 27.07.2016 under Sections 452, 324, 323, 148, 149 of IPC registered at Police Station Dera Baba Nanak, Batala and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

April 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No