

CRM-M-7542-2018

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

CRM-M-7542-2018

Date of Decision: 21st May, 2018

Garib Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhishek Sharma, Advocate, for the petitioners.
Mr. Kuldeep Singh, Sr. DAG, Punjab.
Mr. Yagyaang Ajay, Advocate for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 22.02.2018,
when following order was passed:-

“Prayer made in this petition is for quashing
of FIR No.83 dated 04.08.2015 registered under
Sections 452/324/323/295/148/149/ 120-B IPC at
Police Station Fattu DHINGA, District Kapurthala on
the basis of compromise.

Notice of motion for 19.04.2018.

Mr. Yagyaang Ajay, Advocate appears on
behalf of respondent No.2.

In the meanwhile, parties are directed to
appear before the trial Court/Illaq Magistrate on
05.03.2018 and the trial Court/Illaq Magistrate,
after recording their statements, shall submit its
report with regard to genuineness of the
compromise viz-a-viz. number of accused persons
involved in this case and whether any of the
accused has been declared proclaimed offender or

not, on or before the adjourned date.”

In compliance with the above order, parties appeared before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi and got recorded their respective statements. Even the statements of injured, namely, Dhira Singh son of Swaran Singh, Wazir Singh son of Swaran Singh and Bahadar Singh son of Karnail Singh were recorded. The Sub Divisional Judicial Magistrate, Sultanpur Lodhi, on the basis of the statements of the parties, submitted a report dated 12.03.2018, according to which, compromise which has been entered into between the parties is genuine, voluntary and without any threat, pressure, coercion or undue influence.

Counsel for the petitioners, in the light of the report of Sub Divisional Judicial Magistrate, Sultanpur Lodhi, referred to above, prays that the present petition be allowed and the FIR in question be quashed as the parties have amicably resolved their dispute.

Counsel for respondent No.2-complainant states that respondent No.2-complainant stands by the compromise and has no objection if the FIR, which has been registered at his behest, is quashed as he does not want to further press his allegations against the petitioners in the light of the compromise.

Keeping in view the facts and circumstances of the case and the report of Sub Divisional Judicial Magistrate, Sultanpur Lodhi, according to which, compromise entered into between the parties is genuine and parties do not want to pursue their grudges, the present petition deserves to be allowed.

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In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.83 dated 04.08.2015 registered under Sections 452/324/323/295/148/149/ 120-B IPC at Police Station Fattu DHINGA, District Kapurthala and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

(AUGUSTINE GEORGE MASIH)
JUDGE

21st May, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No