

CRM-M-7556-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7556-2018

Date of Decision: 14th May, 2018

Harpal Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.S. Bedi, Advocate, for
Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

None for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

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

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.119, dated 14.08.2014, registered under Sections 326, 323, 506 and 34 of the IPC, at Police Station Valtaha, District Tarn Tarran (Annexure P-1) on the basis of a compromise dated 12.02.2018 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Sr. DAG, Punjab accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand over a copy of the petition to him during the course of the day.

Mr. Minkal Thatai, Advocate, accepts notice on behalf of respondents No.2 and 3 and admits the compromise (Annexure P-2).

The parties are directed to appear before the trial Court, District Tarn Taran on **28.02.2018**, which is the date stated to be fixed before the trial Court, 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 alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide 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 on **14.05.2018**.

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

Copy of this order be given **dasti** to the counsel for

the petitioners also under the signatures of the Bench Secretary of this Court.”

In the light of the said order, parties could not appear before the Court below and extension of time was granted by this Court vide order dated 05.04.2018 directing the parties to appear before the trial Court on 24.04.2018.

In pursuance to the said order, parties appeared before the Judicial Magistrate Ist Class, Patti and got recorded their respective statements. On the basis of the statements, Judicial Magistrate Ist Class, Patti, has submitted its report dated 25.04.2018, wherein, it has been concluded that the compromise which has been entered into between the parties is genuine, without any pressure or coercion in any manner and parties are living peacefully.

In the light of the report of Judicial Magistrate Ist Class, Patti and keeping in view the fact that the compromise which has been entered into between the parties dated 12.02.2018 (Annexure P-2) has been found to be genuine with the fact that parties are living peacefully thereafter, the interest of justice would be duly served by putting an end to the dispute once and for all so that the peace and tranquillity which has resulted after the compromise should continue and there would be no impediment in the process of parties living a conformable and peaceful life. No useful purpose would be served by continuing the proceedings which has been amicably resolved by the parties which would ultimately lead to the wastage of precious time of the Court and human resources.

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.119, dated 14.08.2014, registered under Sections 326, 323, 506 and 34 of the IPC, at Police Station Valtoha, District Tarn Tarran (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

14th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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