

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

271

CRM-M-7936-2018

Date of decision: 17.05.2018

Kalu Ram and others

...PETITIONERS

VERSUS

State of Punjab and others

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanwar Pahul Singh, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

Ms. Veenus Dhaka, Advocate,
for Mr. Dalbir Singh, Advocate,
for respondents No. 2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 35 dated 06.06.2017 (Annexure P-2) under Sections 452/323/324/506/427/148/149 and 326 IPC (added later on) registered at Police Station Mehta Distt. Amritsar Rural and all consequential proceedings arising therefrom in the light of the compromise/affidavit of the complainant dated 06.12.2017 (Annexure P-3).

On 01.03.2018, when this case was taken up for hearing, the following order was passed:-

“ Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.35, dated 06.06.2017, registered under Sections 452, 323, 324, 506, 427, 148, 149

and 326 of the IPC, at Police Station Mehta, District Amritsar Rural (Annexure P-2) along with all subsequent proceedings arising therefrom, on the basis of a compromise entered into between the parties, in proof thereof, an affidavit of complainant-Dalbir Singh son of Channu Ram, dated 27.11.2017, has been appended along with the petition as Annexure P-3. Counsel contends that apart from the complainant, father of the complainant, namely Channu Ram is also an injured, who too has no objection in case the present petition is allowed.

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.

Ms. Parminder Kaur, Advocate, accepts notice on behalf of respondents No.2 and 3 and admits the factum of compromise.

Counsel for the parties state that the challan has yet not been presented and therefore, the parties would appear before the Chief Judicial Magistrate/Ilaqa Magistrate, Amritsar, within a period of 15 days and get their statements recorded with reference to the compromise which has been entered into between them.

The parties are directed to appear before the Chief

Judicial Magistrate/Ilaqa Magistrate, District Amritsar, on **19.03.2018** 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 Chief Judicial Magistrate/Ilaqa Magistrate, Amritsar, 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 **17.05.2018**.

Copy of this order be sent to Chief Judicial Magistrate/Illaqa Magistrate concerned for information and compliance.”

In compliance with the said order, the parties appeared before the Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District

Amritsar on 19.03.2018 and got recorded their respective statements. On the basis of the statements of the parties, Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar has opined that the statements of the parties are bona-fide and are not the result of any pressure or coercion etc. It has further been stated that the compromise, which has been effected between the parties, is genuine.

Counsel for the petitioners, on the basis of the above-referred report submits that the present petition deserves to be allowed as the compromise, which has been entered into between the parties, has been found to be genuine.

Counsel for the complainant-respondent No. 2 as well as the injured-respondent No. 3 also states that they do not have any objection to the prayer made by the counsel for the petitioners as the compromise has indeed been entered into between the parties and they do not want to pursue the matter against the petitioners, in any manner, in the light of the amicable resolution of the dispute.

Keeping in view the above facts, where it has been concluded that the compromise, which has been entered into between the parties, has been found to be genuine with the matter having been amicably resolved and the complainant and injured not interested in pursuing the FIR, which was registered at their behest against the petitioners, the interest of justice would be duly served by quashing the same as it would be a futile exercise if the proceedings are allowed to continue before the trial Court. Once the parties have ended up their dispute and are looking forward to move further in life, the Court should not be an impediment in the said process.

Keeping in view the ratio of the judgment of the Supreme

Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 35 dated 06.06.2017 (Annexure P-2) under Sections 452/323/324/506/427/148/149 and 326 IPC (added later on) registered at Police Station Mehta Amritsar Rural and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

May 17, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No