

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8357-2018

Date of decision: 17.05.2018

Ravneet Singh

...PETITIONER

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. A.S.Barnala, Advocate,
for the petitioner.

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

Mr. Ritesh Pandey, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 14 dated 26.01.2018 (Annexure P-1) under Sections 279/337/427 IPC registered at Police Station Phase-1, SAS Nagar Mohali and all consequential proceedings arising therefrom in the light of the compromise dated 03.02.2018 (Annexure P-2).

On 28.02.2018, 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.14 dated 26.01.2018 (Annexure P-1), registered under Sections 279, 337 and 427 IPC, at Police Station Phase-1, SAS Nagar Mohali and all

consequential proceedings arising therefrom, on the basis of a compromise dated 03.02.2018 (Annexure P-2).

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.

Counsel for the petitioner undertakes to supply complete paper book to the counsel for the State during the course of the day.

Mr. Ritesh Panday, Advocate, puts in appearance and filed his power of attorney on behalf of respondent No.2- Shubham Sharma son of Rajesh Sharma, who is the complainant and the injured.

Counsel for the parties state that case is still under investigation and challan has not yet been presented. They state that in the light of the compromise which has been entered into between the parties, they would appear before the CJM/Illaq Magistrate, SAS Nagar Mohali on 19.03.2018 to give their statements with regard to the compromise having 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 CJM/Illaq Magistrate, SAS Nagar Mohali 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 CJM/Illaq Magistrate 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 **17.05.2018**.

Copy of this order be sent to CJM/Illaq Magistrate, SAS Nagar Mohali, forthwith for information and compliance.”

In compliance with the said order, the parties appeared before the Chief Judicial Magistrate, Ludhiana on 20.03.2018 and got recorded their respective statements. On the basis of the statements of the parties, learned Chief Judicial Magistrate, Ludhiana , has submitted a report dated 27.03.2018, according to which, the compromise, which has been effected between the parties, is genuine, voluntary and without any coercion or

undue influence and that the said Court is satisfied that the compromise was effected between them out of their free will and without any coercion.

Counsel for the petitioner asserts that the compromise having been found genuine between the parties as per the report of the Chief Judicial Magistrate, Ludhiana, referred to above, the interest of justice would be served by quashing the FIR and all consequential proceedings arising therefrom. Counsel for the complainant acknowledges the factum of compromise and further states that the complainant does not want to press the allegations and charges against the petitioner in the light of the compromise as the parties have settled their dispute amicably.

In view of the statements made by the counsel for the parties and on the basis of the report of the Chief Judicial Magistrate, Ludhiana dated 27.03.2018, where the compromise entered into between the parties has been found to be out of their free will, genuine, voluntary, without any undue influence or coercion, the interest of justice would be served by putting an end the dispute between the parties especially when they have resolved their dispute and do not want to continue with the same.

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. 14 dated 26.01.2018 (Annexure P-1) under Sections 279/337/427 IPC registered at Police Station Phase-1, SAS Nagar Mohali and all consequential proceedings arising

therefrom are hereby quashed qua the petitioner.

May 17, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No