

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8800 of 2018
Date of decision: 17.07.2018

Gurpreet Singh and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harmanpreet Singh Sehgal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rohit Jindal, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.3 dated 04.01.2018 (Annexure P-1), registered for offences punishable under Sections 341/324/34 of Indian Penal Code (for short 'IPC') at Police Station Kotbhai, District Sri Muktsar Sahib, along with all consequential proceedings arising therefrom, on the basis of the compromise/affidavit (Annexure P-2). (Offence punishable under Section 326 IPC was added later on).

As per case of the prosecution, the occurrence took place on 29.12.2017, when injuries were caused to complainant-respondent no. 2 by the petitioner.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise/affidavit, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No.2-complainant has

submitted that in view of the compromise/affidavit (Annexure P-2), respondent no. 2 (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise/affidavit (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 26.03.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine, voluntary in nature and without any coercion or undue influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No. 03 dated 04.01.2018 (Annexure P-1), registered at Police Station Kotbhai, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 17, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No