

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-378 of 2019

Date of Decision: March 26, 2019.

Gurdev Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.L.S.Sidhu, Advocate, for the petitioners.

Mr.Sandeep Kumar, DAG, Punjab, for respondent No.1.

Mr.D.S.Sidhu, Advocate, for respondent No.2.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 482 Cr.P.C., has been filed praying for quashing of FIR No.42 dated 10.02.2017 registered under Sections 295-A/506 IPC, Police Station Zira, District Ferozepur, alongwith all consequential proceedings arising therefrom on the basis of compromise dated 28.12.2018 (Annexure P-3) arrived at between the petitioners and respondent No.2.

Brief facts of the case of prosecution are that on the statement of respondent No.2, FIR No.42 dated 10.02.2017 was registered against the petitioners under Section 295-A/506 IPC at Police Station Zira, District Ferozepur. The allegations are that in the night of 17.07.2017, when the complainant was coming from a marriage party, on the way the petitioners gave him fist blows on his head, removed his turban and threw it in the drain. The motive was that petitioners belong to Shiromani Akali Dal

Adami Party and on the day of election of Sarpanch on 04.02.2017, there was a quarrel between both sides and due to that anguish the petitioners have beaten the complainant-respondent No.2 and removed his turban.

This Court on 09.01.2019 while issuing notice of motion has passed the following order:-

“Contends that the matter has been compromised between the parties.

Notice of motion.

Mr.D.S.Sandhu, Advocate appears on behalf of respondent No.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondent No.1. Copy of the petition supplied to him.

Learned counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **24.01.2019** to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/ trial Court is requested to record the statements of all accused, complainant/injured and affected persons, if any and submit a report along with the recorded statements to this Court 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 injured and affected persons 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.*

List before this Court on 11.02.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In pursuance of the above order, a report dated 24.01.2019 has been received from the Judicial Magistrate, 1st Class, Duty, Zira. The operative part of the same reads as under:-

“I am satisfied that compromise arrived at between the parties is voluntary with free consent and are not result of any pressure or coercion etc. in any manner and without any coercion undue influence and fear.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Learned State counsel, on instructions from ASI Rachpal Singh, has stated that the State of Punjab has no objection in case the FIR in question as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties if the FIR in question is quashed.

In view of the above, this Court is fully convinced that the

offences are entirely personal in nature and do not affect any public peace and tranquility, thus quashing of FIR in question alongwith all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and FIR No.42 dated 10.02.2017 registered under Section 295-A/506 IPC, Police Station Zira, District Ferozepur, alongwith all consequential proceedings arising therefrom are quashed qua the petitioners.

March 26, 2019
mohinder

(MAHABIR SINGH SINDHU)
JUDGE

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