

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-748 of 2019

Date of Decision: March 26, 2019.

Pawan Kumar and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

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

Present: Mr.Manmeet Singh Rana, Advocate, for the petitioners.

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

Ms.Pooja Arora, 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.175 dated 21.10.2018 registered under Sections 279, 337, 323, 427, 506, 34 IPC at Police Station Navi Baradari, Jalandhar, alongwith all consequential proceedings arising therefrom on the basis of compromise dated 07.12.2018 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.175 dated 21.10.2018 was registered against the petitioners under Sections 279, 337, 323, 427, 506, 34 IPC at Police Station Navi Baradari, Jalandhar. The allegations are that on 19.10.2018, when the complainant had gone to City Railway Station from his house in his Baleno Car bearing registration No.PB-08-Temp.CJ-3173, near Ladowali road, one Safari Car of Black Colour came in high-speed and hit his car. When the complainant came out from his car, then three young

persons alighted from Safari Car and started bearing him. They gave iron blunt weapon blows on the forehead, cheeks and head of the complainant. When, in order to save his head, the complainant put his right hand on his head, his right hand was also injured. Due to this reason the FIR has been registered against the petitioners.

This Court on 10.01.2019 while issuing notice of motion has passed the following order:-

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

Notice of motion.

Ms.Pooja Arora, Advocate, appears on behalf of respondent No.2 and files memo of appearance, same is taken on record. She undertakes to file vakalatname in the registry.

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 31.01.2019 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 victim, 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 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.*

List before this Court on 12.02.2019 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 13.02.2019 has been received from the Judicial Magistrate, 1st Class, Jalandhar. The operative part of the same reads as under:-

“The undersigned is sending the report as directed by the Hon'ble Punjab & Haryana High Court, Chandigarh, as follows:-

- (i) I have gone through the statement given by the parties and the perusal of statement provides that the statement of parties are bona fide and are not seems to be result of any pressure or coercion etc.
- (ii) I have gone through the statement of complainant Ashish Kumar Mishra as well as of accused namely Pawan Kumar, Sandeep Kumar and Deepak Kumar and posed various questions to know whether any compromise has been effected between the parties and I am satisfied that compromise has been effected between the parties, without any pressure or coercion of anyone and sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. Compromise between them appears to be genuine and valid.

- (iii) As per the record, there is only one injured as well as complainant namely Ashish Kumar Mishra and three accused namely Pawan Kumar, Sandeep Kumar and Deepak Kumar are involved in the present FIR as well as to the present compromise.
- (iv) As per the statement of the parties, no other case is pending between them before any competent court of law.
- (v) As per the statement of ASI Raghuvir Singh, Investigating Officer, no accused was found absconded or declared proclaimed offender at any stage...”

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 Manohar Lal, 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.175 dated 21.10.2018 registered under Sections 279, 337, 323, 427, 506, 34 IPC at Police Station Navi Baradari,

Jalandhar, 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