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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-852 of 2019

Date of decision: December 11, 2019

Satnam Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

Mr. Shiv Kumar, Advocate for

Mr. Madan Mohan, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, for quashing of FIR No.62 dated 02.05.2018, under Sections 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') (Section 326 of IPC added later on), registered at Police Station Jandiala, District Amritsar Rural, Punjab, along with all other consequential proceedings, on the basis of compromise dated 26.11.2018.

Brief facts of the present case are that respondent No.2 got recorded the FIR in question while stating that on 29.04.2018, at about 11:00 P.M., petitioners, armed with deadly weapons, raised *lalkara* to teach him a lesson. Then, Narinder Singh (petitioner No.2) gave *dasti dang* blow which hit on the head of respondent No.2, Ramesh Kumar @

Roky (petitioner No.3) gave *dasti datar* blow, which hit on the wrist of his left arm and he fell down. Thereafter, Gaurav @ Kalu (petitioner No.4) gave *dasti* baseball blow which hit on his waist. When, respondent No.2 raised hue and cry, then Harish Kumar, Ravinder Kumar, Simu gave foot blows and rubbed him on the ground. Upon hearing his noise, Varun Soni and Varinder Singh Malhotra came on the spot, but all the assailants fled away along with their respective weapons while abusing and extending threats. Varun Soni got respondent No.2 admitted in the Civil Hospital, Mana Wala.

On 19.03.2019, while issuing notice of motion, following order was passed by this Court:-

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

Notice of motion.

Mr. Madan Mohan, Advocate for respondent No.2 appears and files vakalatnama, same is taken on record.

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

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 10.04.2019 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?*
- (vi) Whether any of the petitioner(s) is/are previous convict or not?*

List before this Court on 15.05.2019 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 strict compliance.”

In compliance of above order, report of learned Judicial Magistrate Ist Class, Amritsar (for short 'JMIC') has been received and relevant part of the same reads as under:-

“I. As per query No.1 the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner.

II. The compromise effected between the parties is genuine and valid.

III. All the accused, complainant and injured are party to the compromise.

IV. As per status report obtained from SHO police station Jandiala Guru, (which is enclosed herewith for your kind

perusal) no other case is pending against either of the parties except the present one.

V. That none of the accused persons is ever declared proclaimed offender.

VI. As per statement of HC Parminder Singh (which is attached for your kind perusal) none of the petitioners/accused are previously convict.”

The extracted portion of said report reveals that the matter has been compromised between the parties with their free consent and there is no pressure from any corner. Before this Court also, both the parties have jointly stated that they have no objection in case the FIR in question along with all consequential proceedings, is quashed.

Learned State counsel, on instructions from HC Sarwan Singh, has candidly stated that they have no objection in case the FIR in question along with all consequential proceedings is quashed.

Since the matter has been compromised between the parties with their free consent, the matter is entirely personal in nature and does not affect any public peace and tranquility; thus, this Court is fully convinced that quashing of FIR along with 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 the aforesaid FIR along with all consequential proceedings resulting therefrom, are quashed, qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

December 11, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No