

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-1508 of 2019

Date of Decision: March 26, 2019.

Harjeet Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

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

Present: Mr.Vivek Sharma Vashisht, Advocate, for the petitioners.

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

M.Bhrigu Agnihotri, 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.159 dated 13.09.2015 registered under Sections 294, 323, 341, 452, 506, 34 IPC at Police Station Daba, Ludhiana, alongwith all consequential proceedings arising therefrom on the basis of compromise dated 11.12.2018 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.159 dated 13.09.2015 has been registered against the petitioners under Sections 294, 323, 341, 452, 506, 34 IPC at Police Station Daba, Ludhiana. The allegations are that on 13.09.2015 at about 5.30 p.m., petitioner No.1, who is stated to be habitual of taking liquor, consumed a lot of liquor and was hurling filthy abuses to the complainant and when Arvinder Singh, who is stated to employer of the complainant, tried to stop him for doing so, petitioner No.1 put off his

pyjama and became naked and told to do whatever he wanted to do. Thereafter petitioner No.1 picked up wooden danda from his house and his son (petitioner No.2) brought baseball and came in the street and stopped the complainant and started beating him with their respective weapons. It is also alleged that petitioner No.1 inflicted 5/7 danda blows on the back of the complainant, whereas petitioner No.2 gave baseball blows on the shoulders of the complainant. They also gave kick blows to the complainant. With these allegations, the present FIR has been registered against the petitioners.

This Court on 15.01.2019 while issuing notice of motion has passed the following order:-

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

Notice of motion.

Mr.Bhrigu Agnihotri, Advocate, appears on behalf of respondent No.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr.C.L.Pawar, Sr. 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 30.01.2019 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 22.02.2019 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, Ludhiana. The operative part of the same reads as under:-

“As per directions of Hon'ble High Court, complainant Jora Singh appeared in person on 30.01.2019 in the Court of undersigned and suffered the statement that the matter has been compromised with the accused persons and he has no objection if FIR is quashed. Accused Harjeet Singh & Jatinder Singh appeared in person on 30.01.2019 in the court of undersigned and also suffered the statement admitting the fact of compromise. From their statements it appears that the compromise between the parties, whose statements have been recorded, is genuine and without any pressure and coercion.”

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 HC Naveen Kumar, 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.159 dated 13.09.2015 registered under Sections 294, 323, 341, 452, 506, 34 IPC at Police Station Daba, Ludhiana, 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