

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

CRM-M No.3874 of 2019
Date of Decision: 19.08.2019

Davinder Singh @ Bindu and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Arun Abrol, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab
for respondent No.1/State.

Mr. Parminder Singh, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under section 482 Cr.P.C. for quashing of FIR No.8 dated 08.02.2015, under Sections 326, 323, 324 and 34 of the Indian Penal Code, registered at Police Station Kahnuwan, District Gurdaspur (**Annexure P-1**) along with all subsequent proceedings arising therefrom on the basis of compromise dated 19.01.2019 (**Annexure P-2**) arrived at between the parties.

As per the allegations in the FIR, the paternal uncle of respondent

No.2-complainant was cultivating land more than his share. When complainant and respondent No.3 asked about their share then a quarrel had taken place. On 02.02.2015, complainant-respondent No.2 and respondent No.3 were planting saplings of poplar tree in their land and all the petitioners were standing there armed with their respective weapons. Petitioner No.2 raised lalkara and said catch hold of respondents No. 2 and 3 as they are demanding share of land from us. In the meantime, petitioner No.2 gave stick blow to respondent No.3 on the back side of her head; petitioner No.1 gave fist blow on the face and chest of respondent No.3 and due to which one teeth of respondent No.3 got broken; petitioner No.3 also gave stick blow on the arms of respondent No.3 when respondent No.2 came forward to rescue respondent No.3, one Balbir Singh engulfed respondent No.2 from hip and petitioner No.1 gave datar blow, which hit on his left arm; Balbir Singh gave stick blow to respondent No.2 which hit on his back and right hand. The maternal uncle of respondent No.2 after pleading before the petitioners rescued the respondents and then the accused persons fled away from the spot after giving severe beating to the complainant-respondent No.2 and respondent No.3 alongwith their respective weapons.

Heard both the sides and perused the paper-book.

On 13.02.2019, the following order was passed by this Court:

“It is jointly stated by learned Counsel for the parties that the matter has been compromised.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **20.02.2019** to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the 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 **12.03.2019** 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 terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Gurdaspur and submitted a report dated 05.03.2019. The operative part of the same reads as under:-

‘Thus, from the statements of complainant/respondents/injured and petitioners/accused, this Court comes to the conclusion that compromise has been effected inter-se between the parties appearing in the Court and they have entered into the compromise without any pressure and all the accused, complainant and injured are party to the said compromise.’

A perusal of the 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.

On instructions from ASI Tarlok Chand, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR 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 in case the present FIR is quashed. CRM-M-4704 of 2019 for quashing of cross version in DDR No. 19 dated 08.02.2015 under Sections 326, 323, 324 and 34 of the Indian Penal Code arising out of the above said FIR filed by respondents No. 2 and 3 has also been allowed by this court Court by way of separate order of even date.

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 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.

August 19, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>