

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

**CRM-M No.5951 of 2019
Date of Decision: 19.08.2019**

PARVEEN KUMAR AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Davinder Kumar, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0259 dated 20.12.2018 under Sections 342, 323, 506, 34 and 365 of the Indian Penal Code, registered at Police Station Canal Colony, Bathinda, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 04.02.2019(**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2-complainant.

As per the allegations in the FIR, on 19.12.2018 at about 9:30 p.m.

the complainant after taking his meal went for a walk to Lal Singh Basti Road; when he reached near Dharamshala, petitioner No.3 came outside his house and said bad words to him. Upon hearing the voice of petitioner No.3 petitioner No.1 also came outside the house raising lalkaras and took the complainant to the house of petitioner No.4. In the meanwhile, petitioner No. 2 gave fist blow on the forehead of the complainant; petitioner No.1 also gave fist blow on his back whereas petitioner No.4 gave slap on right side of the face of the complainant. Due to which he fell down and then all the petitioners gave kick blows to the complainant. On hearing the voice of complainant, his brother Ramesh Kumar and father Deep Kumar and other persons came outside the house of the petitioner No.4 and rescued the complainant.

Heard learned counsel for the parties and perused the paper book.

On 15.03.2019, the following order was passed by this Court:

“ Contends that no other criminal case is pending against the petitioners and the matter has been compromised between the parties.

Notice of motion.

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

Mr. Davinder Kumar, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of the day.

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 **08.04.2019** 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 bonafide 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 **06.05.2019** 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 terms of above order, the statements of the parties were recorded by learned Additional Chief Judicial Magistrate, Bathinda and submitted a report dated 09.04.2019. The operative part of the same reads as under:-

'1. The statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner.

2. It is further submitted that statements of complainant as well as accused have been recorded and from their statements this Court is of considered opinion that the compromise is genuine and valid.'

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.

On instructions from ASI Iqbal Singh, 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.

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>