

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8999 of 2019

Date of decision: 12.07.2019

Akash Masih and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chander Kant Mahajan, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Manoj Sharma, Advocate
for Mr. Satvir Singh, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.02 dated 01.01.2019 (Annexure P-1), registered for offences punishable under Sections 452, 323, 324 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Sekhwan, District Gurdaspur alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 20.02.2019 (Annexure P-2).

As per case of the prosecution, on 31.12.2018 at about 07.30 p.m., complainant was returning to his house from house of his uncle, when petitioners, who were standing in the street, raised *lalkara* and caught hold of him. He ran away from the spot and entered his house but petitioners came there and caused him injuries.

Learned counsel for petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has apprised that police vide DDR No. 11 dated 02.02.2019 has deleted the offence under Section 452 IPC and has also not disputed compromise (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 29.04.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine and without any pressure or coercion.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and impugned FIR No. 02 dated 01.01.2019 (Annexure P-1), registered for offences punishable under Sections 452, 323, 324 read with Section 34 'IPC' at Police Station Sekhwan, District Gurdaspur alongwith all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 12, 2019
jk

(SURINDER GUPTA)
JUDGE

***Whether speaking/reasoned:* Yes/No**

***Whether Reportable:* Yes/No**