

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

(1) CRM-M No.16130 of 2018

Aman Kumar @ Amandeep Singh @ Raja and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

(2) CRM-M No.16721 of 2018 (O&M)

Major Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Date of Decision: 20.03.2019

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vikas Gupta, Advocate
for the petitioners (in CRM-M No.16130 of 2018) and
for respondents No.2 and 3 (in CRM-M No.16721 of 2018).

Mr. C.L. Pawar, Sr. DAG, Punjab
for respondent No.1/State (in both the cases).

Mr. Harjot Singh Bedi, Advocate for
Mr. Vivek Salathia, Advocate
for the petitioners (in CRM-M No.16721 of 2018) and
for respondent No.2 (in CRM-M No.16130 of 2018).

MAHABIR SINGH SINDHU, J. (ORAL)

This order shall dispose off the aforementioned petitions as both these petitions have arisen out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for quashing of FIR No.14 dated 08.03.2017, under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code, registered at Police Station Khalra, District Tarn Taran (**Annexure P-1**) as well as its cross-version recorded vide rapat No.14 dated 13.03.2017, under Sections 326, 324, 323, 452, 148 and 149 of the Indian Penal Code, registered at Police Station Khalra, District Tarn Taran (**Annexure P-2**) on the basis of compromise dated 24.07.2017 (**Annexure P-3**) arrived at between the parties along with all subsequent proceedings arising from that FIR and cross-version.

As per the allegations in the FIR, it has been alleged that on 03.03.2017 at about 4:00 .p.m. the complainant was going towards the flour mill of one Chaman Lal, when he reached near the house of Sonu Panchayat member, then from the front side the accused persons came with their respective weapons and gave severe beating to the complainant. Petitioner No.1 gave baseball blow on the waist, right bicep, back side of the neck and left side of Knee of the complainant; petitioner No.3 also gave *datar* blow on the right biecep and right side of chest of the complainant; petitioner No.5 gave *datar* blow on the right arm; petitioner No. 6 gave hatchet blow on the right and left side of the chest;. On which the complainant raised hue and cry and then the accused persons fled away from the spot after giving severe beating to the complainant alongwith their respective weapons.

Heard both the sides and perused the paper-book.

On 23.04.2018, while issuing notice of motion the following order

was passed by this Court:

“In all these petitions, the parties are common and they have approached this Court for quashing on the basis of a compromise dated 24.07.2017, which has been entered into between the parties.

In *CRM-M No.16130 of 2018* titled as *Aman Kumar @ Amandeep Singh @ Raja Versus State of Punjab*, prayer is for quashing of FIR No.14 dated 08.03.2017 registered under Sections 323, 324, 148, 149 IPC, later on added Section 326 IPC at Police Station Khalra, District Tarn Taran, in *CRM No.16721 of 2018* titled as *Major Singh and others Versus State of Punjab and others*, prayer is for quashing of rapat No.14 dated 13.03.2017 registered under Sections 326, 324, 323, 452, 148, 149 IPC, at Police Station Khalra, District Tarn Taran in FIR No.14 dated 08.03.2017 registered under Sections 323, 324, 148, 149 IPC, later on added Section 326 IPC at Police Station Khalra, District Tarn Taran and in *CRM No.16176 of 2018* titled as *Harjit Singh and others Versus State of Punjab and another*, prayer is for quashing of FIR No.15 dated 09.03.2017 registered under Sections 323, 324, 452, 34 IPC, later on added Section 326 IPC at Police Station Khalra, District Tarn Taran.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioners in their respective cases undertake to supply a copy of the petition to the counsel for the State during the course of the day.

They have put in appearance for the respective parties in the cases and have stated that challan in these cases has not yet been presented by the investigating agency. They state that the parties would appear before the Chief Judicial Magistrate/Illaqa Magistrate, Tarn Taran, on 14.05.2018 and give their respective statements with reference to the compromise.

In view of the statement made by the counsel for the parties,

parties are directed to appear before the Chief Judicial Magistrate/ Illaqa Magistrate, Tarn Taran, on **14.05.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Chief Judicial Magistrate/Illaqa Magistrate is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements 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.

To come up before this Court on **29.08.2018**.

Copy of this order be sent to Chief Judicial Magistrate/Illaqa Magistrate, Tarn Taran, forthwith for information and compliance.

Copy of this order be placed on the file of each connected case.”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate Patti and submitted a report dated 21.08.2018. The operative part of the same reads as under:-

‘...I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one.’

A perusal of the report(s) clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

Even before this Court also, there is no objection by either of the

parties in case the aforesaid FIR along with DDR are quashed. The learned State Counsel, on instructions from the police official, has also no objection in case the aforesaid FIR along with DDR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

Since the injuries are on the non vital part of the body, in view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquility and thus quashing of FIR No.14 dated 08.03.2017 as well as its cross-version recorded vide DDR No.14 dated 13.03.2017 along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Accordingly, the impugned FIR along with DDR and all consequential proceedings resulting therefrom, qua the petitioners, are hereby quashed.

Both the present petitions are allowed.

Photocopy of this order be placed on the connected case.

March 20, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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