

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

**CRM-M No.16176 of 2018
Date of Decision: 20.03.2019**

HARJIT SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. Harjot Singh Bedi, Advocate for
Mr. Vivek Salathia, 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.15 dated 09.03.2017, under Sections 323, 324, 326, 452 and 34 of the Indian Penal Code, registered at Police Station Khalra, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise dated 24.07.2017 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, it has been alleged that on 06.03.2017 at about 5:15. p.m. petitioners-accused persons went to the house of the complainant and gave severe beatings to him. Petitioner No.2 gave *datar* blow on the left arm of the complainant; petitioner No.3 gave *datar* blow near the elbow of his arm, whereas petitioner No.4 gave *kirpan* blow on the waist of the complainant, on which the complainant raised hue and cry. The persons of locality gathered on the spot and the accused persons fled away alongwith their

respective weapons.

Heard learned counsel for the parties 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 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 the police official who is present in the Court, 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.

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 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.

March 20, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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