

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

**CRM-M No.11566 of 2019 (O&M)
Date of Decision: 04.09.2019**

Harpal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashish Aggarwal, Advocate for the petitioners.

Mr. Venu Gopal Jauhar, Senior Deputy Advocate General, Punjab
for respondent No.1/State.

Mr. Jashan Preet Sidhu, Advocate for
Mr. Shubham Mehta, 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.142 dated 21.05.2018, under Sections 325, 323, 452, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Tarn Taran, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise deed dated 15.01.2019, entered into between the parties i.e. petitioners as well as respondent No.2.

Brief facts of the case are that complainant/respondent No.2-Avtar Singh made a complaint alleging therein that petitioners, armed with *Daang* and *Gandaasa*, trespassed into his house on 06.05.2018 at about 06:00/06:30 PM and also inflicted injuries on his person. Hence, the present FIR was registered.

This Court, while issuing notice of motion on 13.03.2019, passed the following order:-

“ *Contends that matter has been compromised between the parties.* ”

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Shubham Mehta, 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 10.04.2019 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 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 15.05.2019 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 aforesaid order, the statements of both the parties were recorded by learned Additional Chief Judicial Magistrate, Tarn Taran and submitted a report dated 30.04.2019. The operative part of the same reads as under:-

“ xxxxxxxx

It is further submitted that from the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner and there is no PO proceedings pending against the accused persons. ”

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.

Learned State Counsel, on instructions from the police official present in the Court, 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 above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and 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.

September 04, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No