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

CRM-M-12139 of 2019

Date of decision: December 11, 2019

Nawabdin and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saleem Malik, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

Mr. Rimple Saini, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, for quashing of General diary No.23 dated 16.10.2018, under Sections 323, 324, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 326 of IPC added later on), in FIR No.86 dated 08.10.2018, under Sections 323, 324, 34 of IPC (Section 326 of IPC added later on), registered at Police Station Ghuman, Police District Batala, District Gurdaspur, along with all other consequential proceedings, on the basis of compromise.

Brief facts of the present case are that on 17.09.2018 at about 3:00 P.M., when respondent No.2 was grazing her animals, then Nawabdin (petitioner No.1), Shaifdin (petitioner No.2) armed with *datar*, Roshandin (petitioner No.3) and Ashu (petitioner No.4) armed with *dang* started abusing her. Petitioner No.1 raised a *lalkara* to teach a lesson to respondent

No.2 upon which petitioner No.2 gave a *datar* blow which hit near the elbow of her left arm. Petitioner No.3 gave a *dang* blow which hit on her waist and petitioner No.4 also gave a *dang* blow which hit on her knee of right leg. Petitioner No.1 caught hold of her hairs and gave fist blows on her head. When, respondent No.2 raised hue and cry, then her husband came on the spot and rescued her. All the assailants fled away from the spot along with their weapons. Her husband got her admitted in the Civil Hospital, Batala.

On 15.03.2019, while issuing notice of motion, following order was passed by this Court:-

“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. Rimple Saini, 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 08.05.2019 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 compliance of above order, report of learned Judicial Magistrate Ist Class, Batala (for short 'JMIC') has been received and relevant part of the same reads as under:-

“This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.”

The extracted portion of the report reveals that the matter has been compromised between the parties without any fear, pressure, threat or

coercion and the same is out of their free will. Before this Court also, both the parties have jointly stated that they have no objection in case the General Diary No.23 dated 16.10.2018, in FIR in question along with all consequential proceedings, are quashed.

Learned State counsel, on instructions from ASI Daljit Singh, has candidly stated that they have no objection in case the General Diary No.23 dated 16.10.2018, in FIR in question along with all consequential proceedings are quashed.

Since the matter has been compromised between the parties with their free consent, the same is entirely personal in nature; does not affect any public peace and tranquility, thus, this Court is fully convinced that quashing of General Diary No.23 dated 16.10.2018, in 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 General Diary No.23 dated 16.10.2018, in FIR in question along with all consequential proceedings resulting therefrom, are quashed, qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

December 11, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No