

272-2

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

CRM-M-12171 of 2019

Date of decision: December 11, 2019

Jakhar Din @ Jagar Hussain and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rimple Saini, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

Mr. Saleem Malik, 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 FIR No.86 dated 08.10.2018, under Sections 323, 324, 34 of the Indian Penal Code, 1860 (for short '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 16.09.2018 at about 8:00 AM, when respondent No.2 was going for selling milk, then Jakhardin (petitioner No.1) armed with iron rod, Muhammad Ali (petitioner No.2) armed with *datar*, Nawabdin (petitioner No.3) armed with *dang* and Salma (petitioner No.4) started beating him. Petitioner No.1 gave a blow of iron rod which hit on his left ear and petitioner No.3 gave a *dang* blow which hit on his right arm. Respondent No.2 fell down

on the ground and petitioner No.3 again gave kick blows. Then respondent No.2 made hue and cry, upon which, his wife Shallo rushed to the spot and saved him. His wife called her brother on the spot, who got respondent No.2 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. Saleem Malik, 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 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 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 FIR 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.

(MAHABIR SINGH SINDHU)
JUDGE

December 11, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No