

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30137 of 2018
Date of decision: 16.07.2019

Gabbar Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.K. Saini, Advocate
for the petitioners.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

Mr. Manish Saini, Advocate
for Mr. R.K. Saini, Advocate
for respondents no. 4 to 11.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.63 dated 31.05.2017 (Annexure P-1), registered for offences punishable under Sections 452, 326, 323, 427, 148 and 149 of Indian Penal Code (for short 'IPC') at Police Station Kot Ishe Khan, District Moga, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Learned counsel for the petitioners submits that in this case a cross-case vide DDR No. 33 dated 31.05.2017 was also registered at Police Station Kot Ishe Khan, District Moga. Parties have effected the compromise in both the cases and DDR registered in cross-case was ordered to be quashed by this Court vide order dated 12.11.2018 passed in CRM-M-38025-2018.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), the private respondent

(complainant) has no objection if the impugned FIR (Annexure P-1) is

quashed.

Learned State counsel has also not disputed compromise (Annexure P-1).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 06.07.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine, voluntary and out of free will of parties, without any pressure or coercion.

In view of order dated 12.11.2018 passed in CRM-M-38025-2018 and report of trial Court that the matter has been amicably settled between the parties, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No.63 dated 31.05.2017 (Annexure P-1), registered for offences punishable under Sections 452, 326, 323, 427, 148 and 149 'IPC' at Police Station Kot Ishe Khan, District Moga along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No