

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

**CRM-M No.15109 of 2019
Date of Decision: 21.08.2019**

JASKARAN SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Gagrha, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Sonal Soi, Advocate for
Mr. Sahil Soi, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0023 dated 09.03.2019, under Sections 323, 324, 148 and 149 of the Indian Penal Code, registered at Police Station Shri Hargobindpur, District Batala (P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 26.03.2019(P-2) entered into between the parties i.e. petitioners as well as respondents No.2 and 3.

As per the allegations in the FIR, on 28.02.2019 at about 7:30 p.m. respondent No.2-complainant alongwith her children were present at their home. At that time, petitioner No.1 armed with hockey; petitioner No.2 armed with Datar alongwith four unknown persons, who were armed with sticks and *lathies* came to the house of complainant-respondent No.2. On asking of petitioner No.2, respondent No.3 came at the gate of the house. Thereafter, petitioner No.2 pulled respondent No.3 from arm and dragged him into the

street and gave blow on his right eye with the handle of his *datar*. Petitioner No.1 gave hockey blow on the left leg of respondent No.3; petitioner No.2 gave *datar* blow on the right side below the neck and also gave hockey blows on right knee and right shoulder of respondent No.2; petitioner No.3 gave hockey stick blow on the left knee of respondent No.2; petitioner No.2 gave *datar* blow on the right leg of respondent No.2. On this, respondents No. 2 and 3 raised hue and cry then all the accused persons ran away from the spot alongwith their weapons.

Heard learned counsel for the parties and perused the paper book.

On 02.04.2019, while issuing notice of motion the following order was passed by this Court:

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

Notice of motion.

Mr.Sahil Soi, Advocate appears on behalf of respondents no.2 and 3 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondents No.2 and 3 jointly stated that the matter has been compromised between the parties.

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 08.05.2019 to get their statements recorded with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded

statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bonafide 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 09.07.2019 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 above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Batala and submitted a report dated 06.06.2019. The operative 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.”

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 ASI Avtar Singh, 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. Both sides are stated to be co-villagers, residing in the same locality and are neighbours.

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.

August 21, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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