

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

**CRM-M No.31158 of 2018
Date of Decision: 07.05.2019**

KUSH AND ANR

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Fatehjeet Singh, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Gursharan Singh, 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. 28 dated 04.02.2018, under Section 323, 324, 341, 506, 34 and 326 of the Indian Penal Code, registered at Police Station G.R.P. Jalandhar, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 29.05.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, it has been alleged that on 02.02.2018 at about 8:30 p.m. the complainant was standing with his rented auto at Railway Station, Jalandhar and waiting for his turn, then suddenly petitioners came there and started beating the complainant. On this the complainant

shouted, some other auto drivers standing there saved the complainant from the clutches of the petitioners. However, the petitioners hit the complainant on his head with sharp edged weapon and petitioner No. 1 gave continuous beatings to the complainant, then the complainant became unconscious and fell down.

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

On 25.07.2018, while issuing notice of motion the following order was passed by this Court:

“In this petition, petitioners have sought for quashing of FIR No.28 dated 04.02.2018 under Sections 323/324/341/506/34 (326 added later on) IPC, registered at Police Station G.R.P. Jalandhar, District Jalandhar on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab is directed to accept notice on behalf of the first respondent-State. Mr. Gursharan Singh, Advocate appears and accepts notice on behalf of respondent No.2 and filed his Memorandum of Appearance. Learned counsel for the petitioners is hereby directed to furnish 3 sets of the paper book each to the learned State counsel as well as counsel for respondent No.2 during the course of the day.

Parties are hereby directed to appear before the Trial Court/Illaq Magistrate on 10.09.2018 for getting their statements recorded with regard to the compromise arrived at between them.

The learned Trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

List this matter on 21.09.2018. ”

In terms of above order, the statements of the parties were recorded

by learned Chief Judicial Magistrate, Jalandhar and submitted a report dated 15.09.2018. The operative part of the same reads as under:-

'Keeping in view all aspects and statements of the complainant and accused/petitioners, I am of the considered view that complainant has arrived at a compromise with petitioners/accused bonafidely, voluntary and without any pressure or coercion and compromise is genuine and valid. In view of statement of ASI Hira Singh, there are only two accused in this case and challan in this case has not been presented and case is at stage of investigation.

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 Surinder Pal, learned State Counsel apprised the Court that after investigation in the matter, cancellation report has been prepared and the same is pending with the higher authorities for approval. 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.

Since the cancellation report in the matter has been prepared and the same is pending with the higher authorities, 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.

May 07, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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