

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

**CRM-M No.40536 of 2018
Date of Decision: 11.04.2019**

Manpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Divya Godara, 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.124 dated 27.07.2004, under Sections 323, 325, 295, 148 and 149 of the Indian Penal Code, registered at Police Station Dasuya, Hoshiarpur along with all consequential proceedings arising therefrom. Earlier the petitioner was found innocent by the Investigating Agency, but later on vide order dated 04.05.2006, the petitioner was summoned for facing trial under Section 323, 325 and 34 of the Indian Penal Code.

As per the allegations in the FIR, it has been alleged that on 02.07.2004 at about 4:00 p.m. the complainant after getting tethered the cow when he reached outside the Govt. school, Amar Singh, Mann Singh, Joga Singh and Kabi were sitting under the tree. The complainant told Bhajan Singh that you are Numberdar and you should always say truth. On hearing this, Bhajan Singh got angry and started abusing the complainant. Then Amar Singh gave

sota blow on left ankle of the complainant. After that Bhajan Singh and Amar Singh grappled the complainant and then Bhajan Singh gave fist blow on the face of the complainant, due to which the front left down side teeth got broken and the complainant fell down. Then Mann Singh gave fist blow, which hit on the back of the head of the complainant. Thereafter, the complainant went to his home. In the meanwhile Amrik Singh, Kuldeep Singh and Manpreet Singh came to the house of the complainant and pelted stones and broke the front door of the house.

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

On 18.03.2019 the following order was passed by this Court:

“Learned counsel for the petitioner submits that in terms of the order dated 07.12.2018, passed by this Court, the petitioner has deposited an amount of Rs. 50,000/- as costs with the Punjab & Haryana High Court Bar Association, Chandigarh. Photocopy of the same is retained on record.

It is jointly submitted by both sides that the matter has been compromised between the parties.

In view of the above, parties are relegated to the Mediation and Conciliation Centre of this Court for 28.03.2019 for recording of their statements regarding the compromise arrived at between them.

In the meanwhile, interim order to continue.

A photocopy of this order be placed on the file of other connected case”

In terms of above order, the statements of the parties were recorded by Mediation and Conciliation Centre of this Court and submitted a report dated 28.03.2019. The operative part of the same reads as under:-

'Parties have settled their dispute by way of amicable Settlement/Agreement, which is placed on the file. Statements of Manpreet Singh-Petitioner as well as Gurmeet Singh-complainant/respondent No.2 have been recorded separately

as was directed by the Hon'ble High Court vide order dated 18.03.2019.'

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.

On instructions from the police official who is present in the Court, learned State Counsel 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.

In view of the fact that the matter has been compromised between the parties, 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 petitioner.

April 11, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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