

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM-M-20862-2019

Date of Decision:28.08.2019

Naveen Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.36 dated 18.04.2019 under Sections 452, 323, 354, 148, 149 IPC, registered at Police Station Mehtiana, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 30.04.2019 (Annexure P-2).

This Court vide order dated 08.05.2019 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.07.2019 to the effect that the compromise has been executed without any fear or favour. The same has been entered into between them out of their free will and without any coercion or pressure.

Though no one is present on behalf of respondent No.2-complainant-Happy in Court today, but no prejudice would be caused to him as he has already made a statement on their behalf with regard to compromise before the learned Magistrate on 11.06.2019. The same is reproduced as under:-

“Stated that on my statement one FIR bearing no.36 u/s 452, 323, 354, 148, 149 IPC dated 18.4.2019 was registered at PS Mentiana against Naveen Kumar, s/o Ram Dass @ Ram Kumar, Rahul Kumar @ Rahul Rai s/o Ram Dass @ Ram Kumar, Manish Kumar @ Baljit Kumar s/o Ram Dass @ Ram Kumar, Robin @ Vipin s/o Jaswinder Singh @ Binder, Sumit @ Mita @ Sumit Suman, s/o Jasiwinder Singh @ Binder, Gurpreet @ Gopi s/o Harbans and Ram Kumar @ Ram Dass s/o Kishan Chand, all residents of village Tajowal, PO Hukran, Tehsil and District Hoshiarpur. My wife Sandeep Kumari was also injured in the said occurrence. Now I along with the consent of my wife effected compromise with all the above said person with the intervention respectables of the village. Now I and my wife do not want to proceed in the said FIR and we have no objection if the FIR bearing no.36 u/s 452, 323, 354, 148, 149 IPC dated 18.4.2019 will be quashed by the Hon'ble Punjab and Haryana High Court Chandigarh. We have effected compromise with the all accused with our free will and consent and without and force or coercion. I have seen original compromise in the Hon'ble Court. I identify my signature at point A and the copy of same is Ex.C1. My wife namely Sandeep Kumari is in advanced stage of pregnancy and she is unable to appear before this Hon'ble Court in person as doctor advised her complete bed rest. Copy of medical record is produced before this Hon'ble Court and her delivery is likely on dated 25.7.2019 as per the advice of concerned doctors. I identify the signature of my wife Sandeep Kumari on compromise Ex.C1 at point B.”

Learned State counsel has not disputed the factum of compromise between the parties.

On the statement of the complainant-respondent No.2-Happy, the present FIR was registered. Since respondent No.3-Sandeep Kaur was allegedly injured in the case, the husband who happens to be the complainant-respondent No.2 in the case has stated that she being at advanced stage of pregnancy is unable to appear in the Court to make a statement as the doctor has advised her complete bed rest. Statement of complainant-respondent No.2 has been recorded on 11.06.2019 and as per statement of the complainant-respondent No.2, expected date of delivery of Sandeep Kaur-respondent No.3 was 25.07.2019. Therefore, it is relevant factor to consider the quashing of FIR on the basis of compromise.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.36 dated 18.04.2019 under Sections 452, 323, 354, 148, 149 IPC, registered at Police Station Mehtiana, District Hoshiarpur(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 30.04.2019 (Annexure P-2).

August 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No