

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

**CRM-M No.47066 of 2018
Date of Decision: 19.03.2019**

HARPREET SINGH AND ANR

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Monika Mehta, Advocate for the petitioners.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. Rakesh Kumar, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.0142 dated 25.08.2018 (**Annexure P-1**), under Sections 325, 323, 506 and 34 of the Indian Penal Code, registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 17.10.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

Brief facts of the case are that on 22.10.2018, when the petitioners alongwith complainant-respondent No.2 were returning from marriage at about 12:30 a.m., after covering some distance in the vehicle, they started arguing with each other. Due to that Daljit Singh stopped the vehicle on the road. Petitioner No.2-Avtar Singh suddenly gave a kick blow to complainant-respondent No.2 due to which he struck against Daljit Singh. Thereafter, petitioner No.2 gave a brick blow on the left side of the ribs of the complainant and on the same time

petitioner No.1 gave a kick blow on the hips of the complainant as a result of which he fell down on the road. When the complainant was laying on the road, petitioners gave kick blows to him. When Daljit Singh saved the complainant, petitioner No.2 slapped him. As a consequent thereto, the complainant and Daljit Singh raised alarm 'Mar Ditta' 'Mar Ditta'. On seeing the vehicles coming on the road, the petitioners fled away from the spot with the mobile phone of the complainant. As a consequence of the injuries attributed by the petitioners, the complainant-respondent No.2 got admitted on 20.08.2018 in the Civil Hospital, Sultanpur Lodhi, District Kapurthala and discharged on 22.08.2018. Hence the present petition.

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

On 25.10.2018, while issuing notice of motion the following order was passed by this Court:

“Heard.

Learned counsel for the petitioners submits that after registration of the FIR on 25.08.2018, the matter has been amicably settled vide compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Rakesh Kumar, Advocate has put in appearance on behalf of respondent No.2 and filed memo of appearance.

Parties may appear before concerned Illaqa/Duty Magistrate on 01.12.2018 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court with report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioners.

Report be awaited for 11.02.2019.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Jalandhar and submitted a report dated 04.02.2019. The operative part of the same reads as under:-

'I am satisfied that compromise has been effected between the parties, without any pressure or coercion of anyone and sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. Compromise between them appears to be genuine and valid.

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 Balwinder, 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.

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.

March 19, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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