

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

CRM-M-51510 of 2018.

Decided on:- September 18, 2019.

Rita and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Ramnish Puri, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Karan Sachdeva, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.166 dated 08.06.2018 under Sections 323, 324, 341, 354, 506 and 283 read with Section 34 IPC (Section 307 IPC added later on) registered at Police Station Division-A, Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 14.09.2018 (Annexure P-2).

This Court vide order dated 22.11.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise. However, since certain Sections had not been incorporated in the report submitted by learned Judicial

Magistrat 1st Class, Amritsar as well as in the statements of the parties including the complainant, this Court, vide order dated 16.01.2019 had again directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise on 31.01.2019. Thereafter, an application was moved on behalf of the applicant-petitioners to grant one more opportunity to the petitioners to get their statements recorded before the trial Court. Therefore, vide order dated 28.02.2019, the parties were again directed to appear before the Illaqa Magistrate/trial Court on 18.03.2019 or any date convenient to the court for getting their statements recorded with regard to compromise.

Pursuant to the aforesaid order dated 28.02.2019 passed by this Court, the petitioners as well as respondents No.2 to 4 have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded on 14.03.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 01.04.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has contended that the dispute between the parties was over a parking lot. There is no impediment in the case so as to quash the FIR in question on the basis of compromise entered between the parties in view of the law laid down by Hon'ble Supreme Court in *Narinder Singh and others Versus State of Punjab and another 2014(2) RCR (Criminal) 482* as the injury is not a gun-shot injury though the same has been stated to be caused on the head of respondent No.4-

complainant Deepak Kumar Tiwari, and never remain admitted in the hospital for a longer period.

The FIR in question has been recorded on the basis of statement of respondent No.4-complainant Deepak Kumar Tiwari. He has already made a statement before learned Magistrate in support of the compromise. His statement so recorded by learned Magistrate on 14.03.2019 reads as under:

“An FIR No.166 of dated 08.06.2018, under Sections 307/323/324/341/506/354/283/34 of IPC, was registered at Police Station A-Division-District Amritsar at my instance. The matter has been compromised between us voluntarily, without any threat, coercion or undue influence. I have no objection if the said FIR is quashed.”

Similar statements have also been made by respondents No.2 and 3-injured Anush Tiwari and Pinki respectively.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondents No.2 to 4.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Narinder Singh and***

others' case (supra), the present petition is allowed and the FIR No.166 dated 08.06.2018 under Sections 323, 324, 341, 354, 506 and 283 read with Section 34 IPC (Section 307 IPC added later on) registered at Police Station Division-A, Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 14.09.2018 (Annexure P-2), subject to payment of Rs.10,000/- as costs to be deposited by the petitioners with All India Pingalwara Charitable Society, Amritsar within a period of one month from today.

September 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No