

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

(1) CRM-M No.54003 of 2018 (O&M)

Kuldip Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(2) CRM-M No.54004 of 2018 (O&M)

Sawinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Date of Decision: 01.02.2019

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Parminder Singh Kanwar, Advocate
for the petitioners (in CRM-M No.54003 of 2018) and
for respondents No.2 to 4 (in CRM-M No.54004 of 2018).

Mr. Sandeep Kumar, DAG, Punjab
for respondent No.1/State (in both the cases).

Mr. Amit Arora, Advocate
for the petitioners (in CRM-M No.54004 of 2018) and
for respondents No.2 to 5 (in CRM-M No.54003 of 2018).

MAHABIR SINGH SINDHU, J. (ORAL)

This order shall dispose off the aforementioned petitions as both
these petitions have arisen out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for quashing of FIR No.54 dated 25.05.2014, under Sections 326, 325, 323, 148, 149 and 506 of the Indian Penal Code, registered at Police Station Sarai Amanat Khan, District Tarn Taran (**Annexure P-1**) as well as its cross-version recorded vide Rapat No.32 dated 08.06.2014, under Sections 325, 324, 323, 506, 148 and 149 of the Indian Penal Code, registered at Police Station Sarai Amanat Khan, District Tarn Taran (**Annexure P-2**) on the basis of compromise dated 30.10.2018 (**Annexure P-3**) arrived at between the parties along with all subsequent proceedings arising from that FIR and cross-version.

Heard both the sides and perused the paper-book.

On 06.12.2018, while issuing notice of motion, the following order was passed by this Court:

' Heard.

The learned counsel for petitioners in both cases contend that challan has been presented in Court.

Notice of motion.

On behalf of State, Mr. Karanbir Singh, AAG Punjab, accepts notice. Copy of petition be supplied to learned State counsel during course of day. Reply be filed before next date of hearing.

Let both parties appear before trial Court, which shall record statements of both parties and report back to this Court before next date of hearing as to whether compromise is genuine and without pressure or not ?

Adjourned to 1.2.2019.

Photocopy of this order be placed on connected case file.'

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Tarn Taran and submitted a report dated 11.01.2019. The operative part of the same reads as under:-

'....it appears that the compromise between the parties is genuine one and without any pressure or coercion. It is further submitted that as per report of investigating officer in above said FIR and its cross case, there are total 5 number of accused in above mentioned FIR No. 54 dated 25.05.2014 and total 7 accused in its cross case bearing Rapat No. 32 dated 08.06.2014 and no accused has been declared as proclaimed offender in above mentioned FIR and its corss case.'

A perusal of the report(s) clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

Even before this Court also, there is no objection by either of the parties in case the aforesaid FIR along with DDR are quashed. The learned State Counsel, on instructions from ASI Gurwaryam Singh, has also no objection in case the aforesaid FIR along with Rapat as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquility and thus quashing of FIR No.54 dated 25.05.2014 as well as its cross-version recorded vide Rapat No.32 dated 08.06.2014 along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Accordingly, the impugned FIR along with Rapat and all consequential proceedings resulting therefrom, qua the petitioners, are hereby quashed.

Both the present petitions are allowed.

Photocopy of this order be placed on the connected case.

February 01, 2019

(MAHABIR SINGH SINDHU)
JUDGE

rashmi

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