

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

**CRM-M No.61708 of 2018
Date of Decision: 08.04.2019**

AMARJIT SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.S. Dhami, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Vinod Pundir, 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.247 dated 21.10.2015, under Sections 353, 186, 323 and 34 of the Indian Penal Code, registered at Police Station Zirakpur, District S.A.S. Nagar along with all consequential proceedings arising therefrom on the basis of compromise dated 22.01.2016 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, it has been alleged that the complainant-respondent No.2 was working as Driver in Municipal Nagar Council, Zirakpur. He alongwith the Inspector-Balwinder Singh, Incharge Building Branch went to village Bhabat on receiving complaint from M.C. of village Babat. When they reached at spot the accused persons were raising construction on vacant land near Air Force and thus the Inspector prohibited them but they started abusing him. On this when the complainant tried to protect

Insepctor-Balwinder Singh, then petitioners No. 1 and 2 gave fist and kick blows and pushed him down giving kick blows. Petitioner No.3 also gave kick blows, when the complainant raised voice for saving him, all the accused persons ran away from the spot on their motorcycle.

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

On 20.12.2018, while issuing notice of motion the following order was passed by this Court:

“Notice of motion.

Mr. Ramandeep Singh Sandhu, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Mr. Vinod Pundir, Advocate puts in appearance on behalf of respondent No.2 and files his Vakalatnama, which is taken on record.

Learned counsel for the petitioner contends that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **29.01.2019** to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on **14.02.2019** for further consideration.

Meanwhile, learned State Counsel shall also get the

instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

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

'From the perusal of above statements, it is seen that the complainant and accused persons, with the intervention of the respectables, have compromised the matter with each other. It is because of this reason, they with their own free will and without any threat or coercion got recorded their statements in the Court.'

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.

Learned State counsel has filed reply by way of an affidavit of Simranjit Singh PPS, Deputy Superintendent of Police, Sub Division Dera Bassi, District S.A.S. Nagar (Mohali) on behalf of respondent No.1/State in the Court today. The same is taken on record.

Perusal of paragraph No. 5 of the same reveals that after investigation in the matter untrace report was prepared way back on 01.02.2016 and 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.

Since the untrace report in the matter was prepared way back on 01.02.2016 and 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 petitioners.

April 08, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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