

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

**CRM-M No.77134 of 2018
Date of Decision: 08.04.2019**

JASPAL SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Himanshu Puri, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Balram Prashar, 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.22 dated 24.04.2018, under Sections 325, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Bholath, District Kapurthala along with all consequential proceedings arising therefrom on the basis of compromise dated 14.11.2018(**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

complainant-respondent No.2 has two sons and two daughters. Her son, namely, Daljeet Singh was married with Parveen Kaur (daughter of petitioner No.1). Further alleged that petitioner No.2(daughter-in-law of the complainant) got angry with her husband and went back to matrimonial home. On 15.04.2018 at 9:30 p.m. meeting of Panchayats of complainant's village as well as village of petitioner No.2 was convened in Gurudwara Sahib. When the talks started, the accused-petitioners started beating the complainant. Some unknown persons have given danda to petitioner No.1, then he gave danda blow on the right hand of the complainant, petitioner No.2 caught hold the hairs of the complainant and pulled her down. After that the complainant fell down, the maternal aunt of petitioner No.2 as well as her son gave fist blow and dang blow respectively to the complainant on her left shoulder. Thereafter, all the accused persons ran away from the spot.

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. Balram Prashar, Advocate puts in appearance on behalf of respondent No.2 and files his memo of appearance, 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 **08.01.2019** 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, Kapurthala and submitted a report dated 28.01.2019. The operative part of the same reads as under:-

'I am of the considered opinion that parties have entered into compromise voluntarily & without any threat, coercion or pressure and their compromise is genuine one and both the parties have made statement in the Court voluntarily & without any pressure.'

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 HC Ravinder Singh, 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 the 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.

April 08, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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