

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

**CRM-M No.50246 of 2018(O&M)
Date of Decision: 17.05.2019**

KALA SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the applicants-petitioners.

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

Mr. Vikrampreet Singh, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

CRM-12241 of 2019

The instant application has been filed under Section 482 Cr.P.C. seeking permission to place on record the copies of affidavits dated 26.03.2019 of the petitioners as Annexures P-4 to P-6.

For the reasons enumerated in the application, the same is allowed the affidavits are taken on record as Annexures P-4 to P-6.

CRM-M No.50246 of 2018

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.181 dated 15.09.2018, under Sections 324, 341, 506, 34 and 326 of the Indian Penal Code, registered at Police Station Sadar Mansa, District Mansa along with all consequential proceedings arising therefrom on the basis of compromise dated 05.11.2018 (**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 on 13.09.2018 at about 10:30 a.m. when the complainant went to his fields situated at the road of Akkanwali for watering his fields, brother of the complainant namely, Gurmail Singh was also present at the fields. When the complainant reached near *Nakka* , petitioner No. 1, who was empty handed and his sons namely, Surjit Singh @ Tota armed with spade and Gurdeep Singh @ Deepa armed with iron rod encircled the complainant, meanwhile petitioner No. 1 raised lalkara saying '*what are you doing*' and said his sons to attack the complainant. On this petitioner No. 2 gave a blow with spade towards the complainant, which hit index finger of his right hand; petitioner No.3 gave a iron rod blow towards complainant, which he stopped by his left hand. Then the complainant raised hue and cry, after hearing his noise his brother Gurmail Singh came to rescue the complainant. The petitioners-accused threatened to kill him and ran away from the spot with their respective weapons. Then brother of the complainant arranged vehicle and got him admitted in Government Hospital Mansa for treatment.

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

On 08.03.2019 the following order was passed by this Court:

“Contentends that respondent No.2/complainant-Avtar Singh is the nephew of petitioner No.1-Kala Singh and the dispute is within the family. Also contends that Section 326, IPC added later on, but the matter has been settled amicably with the intervention of the family members.

In pursuance of order dated 15.11.2018 of this Court, although the report dated 07.12.2018 has been received from learned Additional Chief Judicial Magistrate, Mansa, but the same is not satisfactory.

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

Let both the parties appear before learned trial Court on **19.03.2019** and statements be again recorded and report be submitted to this Court on or before **12.04.2019** to the

following effect:-

(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?

(vi). whether any of the petitioner(s) is/are previous convict or not?

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 strict compliance.”

In terms of above order, the statements of the parties were recorded by learned Additional Chief Judicial Magistrate, Mansa and submitted a report dated 01.04.2019. The operative part of the same reads as under:-

'(i) The statements of the parties are appearing bonafide and are not result of any pressure or coercion etc. in any manner.

(ii) The compromise effected between the parties is 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 HC Harjinder 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.

Since the injuries are on the non vital part of the body, 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.

May 17, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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