

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

**CRM-M No.54807 of 2018
Date of Decision: 12.07.2019**

SUKHDEV SINGH @ KALA AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Batth, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Gaurav Kalsi, 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.83 dated 25.10.2018, under Sections 326, 324, 323, 341, 506, 148 and 149 of the Indian Penal Code, registered at Police Station Valtaha, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise dated 21.11.2018 (P-2) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, on 22.10.2018 at about 5:15 p.m.

complainant-respondent No.2 alongwith his brother namely Harpal Singh, were coming back on their motorcycles after doing the work of POP in the house of one Nishant Singh Fauji. When the complainant reached slightly ahead of Amarkot, petitioners-accused armed with weapons came on their respective motorcycles and stopped the complainant-respondent No.2. Petitioner No.1 raised the lalkara and exhorted to catch the complainant so that he may not escape today. Thereafter, petitioner No.3 inflicted iron punch blow on the left side of the head of the complainant; petitioner No.4 inflicted his baseball blow on the right side of the head of the complainant; petitioner No.5 inflicted a dang blow which hit on the left ear of the complainant; petitioner No.2 inflicted a blow by his Dataar, which hit on the nose of the complainant and he fell down on the ground. While smearing with blood, complainant was lying down, then petitioner No.4 again inflicted a baseball blow on his right wrist whereas petitioner No.3 gave iron punch blow on the chest. In the meantime brother of the complainant reached on the spot and raised lalkara Mar Dita Mar Dita. On seeing assembling of the passers-by, all the petitioners ran away from the spot.

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

On 05.02.2019, the following order was passed by this Court:

“It is jointly stated by learned counsel for the petitioners as well as respondent No.2 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 20.02.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded 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 06.03.2019 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, Patti and submitted a report dated 27.02.2019. The operative part of the same reads as under:-

'1.The statement of both the parties which comes to my knowledge that parties have compromised their matter without any pressure or coercion in any manner because they want to live peacefully. 2. Therefore, the compromise made by the parties seems to be genuine and without any influence”

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 on instructions from the police official who is present in the Court, 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.

July 12, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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