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

CRM-M-1161 of 2020

Date of decision: September 24, 2020

Bhupinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Sodhi, Advocate for the petitioners.

Mr. N.K. Banka, DAG Punjab.

Mr. Umesh Aggarwal, Advocate
for respondent No.2-complainant.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, for quashing of FIR No.52 dated 08.05.2019, under Sections 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Jhander, District Amritsar Rural, along with all other consequential proceedings arising therefrom, on the basis of compromise (P-2).

Brief facts of the present case are that on 08.05.2019, complainant-Joginder Singh made a complaint to the police stating that he has two sons, namely Bhupinder Singh (elder) & Rajwinder Singh (younger) and living in his old house. His elder son tried to oust him from the house and has already occupied three rooms. On 03.05.2019,

Bhupinder Singh abused and bullied the complainant as well as his wife, but his younger son tried to rescue them. Thereafter, Bhupinder Singh along with relatives Narpinderpal Singh alias Happy (his brother-in-law), Mohinderpal Singh, Manbir Singh & 10-12 persons armed with weapons barged into the house of the complainant, damaged their goods; caused injuries and assaulted Rajwinder Singh also. Upon hearing alarm respectables of the nearby locality gathered there and on seeing them, assailants fled away from the spot along with their respective weapons.

Contentends that matter has been compromised between the parties as the dispute is primarily between father and son.

On 13.01.2020, while issuing notice of motion, following order was passed by the co-ordinate Bench of this Court:-

“Learned counsel for the petitioners refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.52 dated 08.05.2019 under Sections 323, 452, 506, 148 and 149 IPC registered at Police Station Jhander, District Amritsar Rural on the basis of compromise dated 02.01.2020 (Annexure P-2).

Notice of motion for 17.04.2020.

At the asking of the Court, Mr. Rajesh Bhardwaj, Sr. DAG Punjab accepts notice on behalf of the State. Let the copy of the petition be handed over to learned State counsel during the course of the day.

Mr. Umesh Aggarwal, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 17.02.2020 for recording their statements with regard to

compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

Subsequently, again vide order dated 11.09.2020 parties were directed to appear before the learned trial Court/ Illaq Magistrate for recording of their statements.

In compliance of both the above orders, report of learned Judicial Magistrate Ist Class, Ajnala (for short 'JMIC') has been received and relevant part thereof reads as under:-

“From the statements of the complainant and the accused party, it appears that compromise has been effected between the complainant and the accused party is genuine, voluntary and without any coercion or undue influence.

Further as per the statement of ASI Major Singh i.e. Investigating officer of the present case, there are only five persons arrayed as accused in the FIR and none of them was declared proclaimed offender in the present case. Accused persons have not involved in any other case and there is only one victim/ complainant namely Joginder Singh in the present FIR.”

The extracted portion of the report reveals that matter has been amicably compromised between the parties and no one has been declared as proclaimed offender in this case. Before this Court also, both the parties have jointly stated that they have no objection in case the FIR in question along with all consequential proceedings, are quashed.

Learned State counsel, on instructions from ASI Kuldeep Singh candidly stated that they have no objection in case FIR in question along with all consequential proceedings are quashed.

Since matter has been compromised between the parties with their free consent, the same is entirely personal in nature; does not affect any public peace and tranquility, thus, this Court is fully convinced that quashing of FIR 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.

(MAHABIR SINGH SINDHU)
JUDGE

September 24, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No