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

CRM-M-14804 of 2019 (O&M)

Date of decision: November 05, 2020

Gurdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishneet Singh, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. M.S. Dua, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

CRM-22871-2020

Application has been filed for preponement of next date of hearing fixed in the main case.

Learned counsel for the applicant-petitioner has submitted that since the main case is listed for today itself, therefore, application has become infructuous.

Disposed off as having been rendered infructuous.

Main case

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.26 dated 01.07.2018, under Sections 341, 323, 324, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 326 IPC added later on), registered at Police Station GRP Abohar, District Govt. Railway Police, Fazilka along with all other

consequential proceedings arising therefrom, on the basis of compromise (P-2).

As per prosecution case, above FIR was registered on the statement of complainant-Gurcharan Singh with the allegations that on 28.06.2018 at about 6:00 P.M., he was coming to his house on motor cycle from village Karni Khera to Fazilka; when reached near railway crossing (BSF), he slowed down the motorcyle due to speed breaker. Suddenly, Gurdeep Singh (petitioner) along with one motorcyclist with muffled face encircled him. Petitioner was armed with *kappa* and he raised a *lalkara* not to let the complainant go. Complainant fell down along with his motorcycle, then petitioner gave a *kappa* blow to him. Complainant in defence caught hold the *kappa* with his left hand and as a result thereof, he received injuries on his two fingers. Thereafter, petitioner hit the complainant on the backside of his right shoulder due to which, blood started oozing. Another assailant also gave beatings to the complainant, but Manjeet Singh and other passerby rescued him. On seeing the gathering at the spot, both the accused fled away. Somehow, complainant managed to reach near Hanuman mandir, on his motorcycle, where one Satpal met and got him admitted in the Civil Hospital, Fazilka.

Contentends that matter has been compromised between the parties.

On 01.04.2019, while issuing notice of motion, this Court passed the following order:-

“Contentends that there is no injury on the vital part of the body rather the same is only on the little finger of left

hand.

Notice of motion.

Mr.M.S.Dua, Advocate appears on behalf of respondent no.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioner as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

Petitioner will file his affidavit that there is no other criminal case pending against him and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 01.05.2019 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.

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

List before this Court on 15.07.2019 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 strict compliance.”

In compliance of above order, report of learned Chief Judicial Magistrate, Fazilka is received and relevant part thereof reads as under:-

“Now with the intervention of respectable persons of the society they have compromised with complainant. This compromise has been effected between them voluntarily, without any threat or undue influence.”

The extracted portion of the report clearly reveals that matter has been amicably settled between the parties without any pressure or coercion. Even before this Court also, both sides jointly stated that they have no grievance left against each other as on today.

Learned State counsel, on instructions from Assistant Sub Inspector Ajit Kumar, also 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 petitioner.

(MAHABIR SINGH SINDHU)
JUDGE

November 05, 2020

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No