

CRM-M-26948-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-26948-2020

Date of Decision: October 8th, 2020

Harbans Lal & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. G.S.Manku, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 09.09.2020, when the case was taken up for hearing,
following order was passed:-

“Learned counsel for the petitioner submits that FIR No.176 dated 01.07.2020, under Sections 306, 34 IPC at Police Station Dinanagar, District Gurdaspur, was registered on the statement of Lakshmi Devi wife of Suresh Pal, respondent No.2. The matter has been amicably resolved between the parties and a compromise having been effected between them has been put into writing on 23.07.2020, copy of which is annexed as Annexure P-2 with this petition. Counsel contends that on the basis of said compromise, complainant-respondent No.2 does not want to pursue the matter any further.

Respondent No.3, Anjali is daughter of deceased and petitioner No.1. As per the said compromise, there was a misunderstanding because of which the FIR was got registered by the complainant. Counsel for the petitioner further states that the petitioner as well as respondent Nos.2 and 3 are ready and willing to appear before the Ilaqa Magistrate/Trial Court, Gurdaspur, on any date which may be fixed by this Court for recording their respective statements with regard to compromise.

Notice of motion subject to showing receipt of Rs.20,000/- to the Registry to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

On the asking of the Court, Mr. B.S.Sewak, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand over a copy of the petition to him during the course of the day.

Mr.G.S.Manku, Advocate, puts in appearance on behalf of respondent Nos.2 and 3 and acknowledges the factum of compromise, which has been entered into between the parties on 23.07.2020 (Annexure P-2). He further states that complainant-respondent No.2 and daughter of deceased, respondent No.3 do not want to pursue the FIR against the petitioner in the light of the compromise.

The parties are directed to appear before the Ilaqa Magistrate/Trial Court, Gurdaspur on **16.09.2020** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Ilaqa Magistrate/Trial Court is directed to

record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bonafide 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.

To come up on **08.10.2020**.

Copy of this order be sent to Ilqa Magistrate/Trial Court concerned for information and compliance.”

In pursuance to the said order passed by this Court, parties had appeared before the Judicial Magistrate 1st Class, Gurdaspur, on 16.09.2020 and got recorded their respective statements. On the basis of the statements of the parties, learned Judicial Magistrate 1st Class, Gurdaspur, has submitted his report, dated 21.09.2020, wherein it has been stated that the FIR has been registered against five persons, who are petitioners before this Court. There is no other case against them nor are they proclaimed offenders or proceedings pending against them. Statements of the parties, as per opinion of the Court, were *bona fide* and not a result of pressure or

coercion. It was further observed that the compromise is genuine and effected with free will of the parties. All the accused, complainant and injured are parties to the compromise and there is no other case between the parties.

In the light of the above, learned counsel for the petitioners as well as counsel for respondents No.2 and 3 submit that the prayer made in the present petition be accepted especially in the light of the fact that the complainant and the injured have no objection to the quashing of the FIR and the proceedings arising therefrom in the light of the compromise which has been entered into between the parties.

Keeping in view the fact that the dispute between the parties is within the family itself and the matter has been amicably sorted out, it would be in the interest of both the parties as well as the society as a whole when the disputes are being settled especially amongst the family itself. The fact that the compromise entered into between the parties has been found to be genuine, without any coercion, undue influence or pressure, the interest of justice would be served by keeping an end to the dispute between the parties.

Keeping in view the above and the report of the Judicial Magistrate 1st Class, Gurdaspur, dated 21.09.2020, wherein it has been opined that the compromise dated 23.07.2020 (Annexure P-2) entered into between the parties is genuine and valid, the present petition deserves to be allowed in the light of the law laid down by the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @***

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Parbhatbhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***.

In view of the above, the present petition is allowed. FIR No.176 dated 01.07.2020, under Sections 306, 34 IPC, registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

October 8th, 2020

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No