

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24711-2020
DECIDED ON: 12th October, 2020

SHISHPAL AND OTHERS

.....PETITIONERS

VERSUS

STATE OF UT AND ANOTHER

.....RESPONDENTS

AND

CRM-M-24748-2020

RAHUL AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF UT AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ashish Bakshi, Advocate for the petitioners
in CRM-M-24711-2020 and
for respondent No.2 in CRM-M-24748-2020.

Mr. Naveen Upadhyay, Advocate for the petitioners
in CRM-M-24748-2020 and
for respondent No.2 in CRM-M-24711-2020

Mr. Rajiv Vij, APP for UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to
COVID-19 situation.

These two petitions are filed under Section 482 of Cr.P.C for
quashing FIR Nos. 160 and 161 dated 21st July, 2020 registered under Sections
323, 341, 506 and 34 of the Indian Penal Code, 1860 at Police Station Mauli
Jagran, Chandigarh and all subsequent proceedings arising therefrom.

The FIR No.160 was at the instance of Shishpal. It was alleged that

Rahul for ₹1200/-. It was alleged that Rahul was carrying an axe and his younger brother Mahesh a knife, they attacked the complainant and his brother.

FIR No. 161 was at the instance of Rahul. It was alleged that while he was standing outside his house Shishpal, his brother Nek Chand and his nephew came and demanded ₹1200 which was given as loan. As a result, there was a fight, the accused armed with dandas, iron rod and sharp edged weapon inflicted multiple injuries to him and his brother.

The parties have entered into compromise and the deed dated 13th August, 2020 is annexed with the petition.

This Court vide order dated 27th August, 2020 directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and status report was sought.

In pursuance thereof, the Judicial Magistrate Ist Class, Chandigarh has submitted a report dated 23rd September, 2020. The relevant portion of the report is quoted below:-

“Under reference to the said passed by their Lordship the statements of parties namely Shish Pal, Nek Ram @ Nak Ram and Binder @ Ravinder (accused) and Rahul (complainant) have been recorded (FIR No. 161 of 2020) and report is as follow:-

“1. There were only three persons who were arrayed as accused namely Shish Pal, Nek Ram @ Nak Ram and Binder @ Ravinder, Complainant Rahul suffered statement Voluntarily that he has no objection if present FIR be quashed;

2. There is no proclaimed offender yet declared in the present case;

3. Compromise has been effected between parties voluntarily and without any coercion or undue influence. That has been so observed after recording their statements in court as well as after

their examination in person.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue. The ends of justice would be met by exercising powers vested with this Court under Section 482 of the Code of Criminal Procedure, 1973.

Both the petitions are allowed and FIR Nos. 160 and 161 dated 21st July, 2020 registered at Police Station Mauli Jagran, Chandigarh and all subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners.

12th October, 2020
sham

(AVNEESH JHINGAN)
JUDGE

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