

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2744-2021 (O&M)
Date of Decision:-19.2.2021

Balraj Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Baldeep Singh.

Mr. Vikasdeep Singh, Advocate for respondents No.2 and 3.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.38 dated 20.2.2020 registered at Police Station City Tarn Taran, District Tarn Taran under Sections 323, 353, 186, 506, 379, 148 and 149 of Indian Penal Code, wherein offences under Sections 325, 332 and 333 IPC were added later on, and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.
2. The FIR would indicate that the dispute mainly arose between the driver and conductor of a private bus and of a public transport bus i.e. PUNBUS. It was pursuant to some petty dispute amongst them that the accused caught hold of

the complainant and caused injuries to them. It cannot be inferred from the FIR that the purpose was to obstruct the performance of the official duties by the complainant. The only purpose apparently was to settle scores and to cause injuries to them. In these circumstances, it can safely be said that the complainant and the injured are fully competent to effect a compromise with the accused as the injuries were caused in individual capacity and not for the purpose of obstructing them from performing their official duties.

3. Vide order dated 21.1.2021, the parties had been directed to appear before the Illaqa Magistrate/Duty Magistrate so as to get their statements recorded qua the factum of compromise.
4. Report of learned Chief Judicial Magistrate, Tarn Taran has been received, wherein it has been reported that the statements of petitioner/accused Balraj Singh, Gurpreet Singh @ Sonu and Sukhdev Singh and also of complainant Onkar Singh and Jaskaran Singh @ conductor Jaskarn Singh have been recorded to the effect that they have compromised the matter amongst themselves.
5. The complainant Onkar Singh and Jaskaran Singh @ conductor Jaskarn Singh in their statements have stated that they have no objection in case the FIR in question is quashed.
6. The learned Chief Judicial Magistrate, Tarn Taran has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh

and others Vs. State of Punjab, the present petition is allowed and FIR No.38 dated 20.2.2020 registered at Police Station City Tarn Taran, District Tarn Taran under Sections 323, 353, 186, 506, 379, 148 and 149 of Indian Penal Code, wherein offences under Sections 325, 332 and 333 IPC were added later on, and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.

19.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No