

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

CRM-M-31767-2021

Date of decision: 1.11.2021

Hari Krishan and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. P.K.S.Phoolka, Advocate, for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Davinder Kumar, Advocate, for respondents No.2 and 3.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer in this petition is for quashing of FIR No.238 dated
7.12.2020 registered under Sections 458, 506, 323, 148, 149 IPC at Police
Station Sangat, District Bathinda on the basis of compromise dated
26.7.2021 (Annexure P-2).

The above stated FIR was registered on the statement of the
complainant/respondent No.2-Rajinder Kumar.

On notice of motion, respondents No.2 and 3 appeared in the
Court through their counsel and pleaded that they have no objection if the
FIR in this case is quashed on the basis of the aforesaid compromise which
has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq

Magistrate was directed to record the statements of the all the concerned
PARITOSH KUMAR
2021.11.01 16:12
I attest to the accuracy of
this order

parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate, 1st Class, Bathinda along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

In the FIR, it was alleged that on 6.12.2020 at about 6:30 p.m., both the petitioners along with other unknown persons trespassed into the shop of respondent No.2-Rajinder Kumar and assaulted respondents No.2 and 3 with blunt weapons.

Learned counsel for the petitioners and for respondents No.2 and 3 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3)

RCR (Criminal) 1052, this petition is allowed and FIR No.238 dated 7.12.2020 registered under Sections 458, 506, 323, 148, 149 IPC at Police Station Sangat, District Bathinda and all the subsequent proceedings are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(**KARAMJIT SINGH**)
JUDGE

November 1, 2021

Paritosh Kumar

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