

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23156-2022
Date of Decision:-29.10.2022

HARJIT SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Jatinder Singh Gill, Advocate
for the petitioners.

Mr. C.L. Pawar, Addl. A.G. Punjab

Mr. Gourav Sharma, Advocate for
Mr. G.S. Sandhu, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.41 dated 05.05.2021 registered under Sections 379, 447 and 34 IPC 1860 at Police Station Shri Hargobindpur, District Gurdaspur on the basis of compromise dated 28.04.2022 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2 in which he alleged that on 01.07.2022, the petitioners (accused persons) dismantled the 'Burjis' and gave beatings to him.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has 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 parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Rajinder Singh, PCS, Judicial Magistrate Ist Class, Batala 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.

Learned counsel for the parties 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. Mr. C.L. Pawar, Addl. A.G. Punjab

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.41 dated 05.05.2021 registered under Sections 379, 447 and 34 IPC 1860 at Police Station Shri Hargobindpur, District Gurdaspur on the basis of compromise dated 28.04.2022 (Annexure P-2).

29.10.2022
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(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No