

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.36229 of 2022
Date of Decision: 14.09.2022

Jaskaran Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Manjinder Singh Saini, Advocate,
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Vishal Sharma, Advocate,
for respondents No.2 & 3.

PANKAJ JAIN, J. (Oral)

The petitioners have approached this Court seeking quashing of FIR No.110 dated 05.07.2022, registered for the offences punishable under Sections 323, 325, 34 of the Indian Penal Code, 1860, at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) on the basis of compromise (Annexure P-2).

2. On 17.08.2022, the following order was passed :-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioners seeking quashing of FIR No.110 dated 05.07.2022, registered for the offences punishable under Sections 323, 325, 34 of the Indian Penal Code, 1860 at Police Station Garhshankar, District Hoshiarpur.

Learned Counsel for the petitioners contends that the matter already stands compromised vide Compromise (Annexure P-2).

Notice of motion for 14.09.2022.

On the asking of the Court, Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

Mr. Vishal Sharma (Vasudeva), Advocate appears and accepts notice on behalf of respondents No.2 and 3 and admits the factum of there being a compromise between the parties.

In view of the above, the parties are directed to appear before learned Illaqa Magistrate/Trial Court on 30.08.2022. On their doing so, the learned Illaqa Magistrate/Trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?
4. Whether the accused persons are involved in any other case or not?
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/Trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

3. Pursuant to the aforesaid order, report has been received from Sub Divisional Judicial Magistrate, Garhshankar, who has reported as under:-

“The report is submitted as under :-

I am satisfied that the statement has been made by parties in the Court with free consent voluntarily and without undue influence fear.”

4. Ld. Counsel appearing for respondents No.2 & 3 admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

5. Similarly, Ld. Assistant Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.110 dated 05.07.2022, registered for the offences punishable under Sections 323, 325, 34 of the Indian Penal Code, 1860, at Police Station Garhshankar, District Hoshiarpur (Annexure P-1)) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

14.09.2022
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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No