

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

CRM-M-50458-2021
Date of Decision:-24.2.2022

OM PARKASH GULATI AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nitin Narula, Advocate for
Mr. Veneet Sharma, Advocate for
for the petitioners.

Mr. A.K. Kaundal, DAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

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

Present petition is for quashing of FIR No.78 dated 6.7.2021
registered under Sections 323, 324, 341, 506, 427, 148, 149 IPC (Sections
326 IPC was added later on vide DDR No.25 dated 31.8.2021) at Police
Station Amritsar City, District Amritsar on the basis of compromise dated

21.09.2021 (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- Sunny Malhotra, in which he alleged that he was having dispute with his in-laws and on 4.7.2021 when he was on his way to his house, he was intercepted by the petitioners, all of whom attacked him with sharp edged weapons, baseball bats and '*Dandas*', as a result of which he sustained injuries.

On notice of motion, respondents 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/Duty 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 Judicial Magistrate Ist Class, Amritsar 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.

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. The matrimonial dispute, which is going on between respondent No.2-Sunny Malhotra and his wife namely Mehak Gulati, who is daughter of petitioner No.1, has also been resolved and the husband and wife have already filed joint petition under Section 13-B HMA for grant of divorce by way of mutual consent. Also there is no legal impediment in translating the *bona fide* intention of the parties 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.78 dated 6.7.2021 registered under Sections 323, 324, 341, 506, 427, 148, 149 IPC (Sections 326 IPC was added later on vide DDR No.25 dated 31.8.2021) at Police Station Amritsar City, District Amritsar on the basis of compromise dated 21.09.2021 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

(**KARAMJIT SINGH**)
JUDGE

24.2.2022
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No