

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRM-M-55520 of 2019
Date of decision:19.12.2022

Billu Ram and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narinder Kumar Awasthi, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Ranjodh Singh Sidhu, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.13 dated 04.02.2018 registered for offences under Sections 354, 354-A, 323, 506, 34 of Indian Penal Code, 1860, however, Section 201 IPC was added later on, at Police Station Moonak, District Sangrur (Annexure P-1), alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 30.03.2019 (Annexure P-2).

Counsel for the petitioners submits that petitioners are a married couple. He submits that complainant-respondent No.2 and

petitioner No.1 are residents of same locality and are working with Municipal Committee, Moonak. He submits that FIR has been registered on account of petty dispute between them, which has been settled by compromise, Annexure P-2 and the parties have recorded their statements in support of the compromise.

Upon instructions from HC Ras Pal, State counsel submits that matter is under investigation.

Counsel representing the complainant-respondent No.2 and victim-respondent No.3 has admitted the factum of compromise and has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 06.01.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for, which has been received and its relevant extract is as under:-

“(i) As per the statement of IO, there are two accused persons namely Billu Ram son of Sudhan Ram r/o Ward No.5 Moonak and Laxmi wife of Billu Ram son of Sudhan Ram r/o Ward No.5 Moonak.

(ii) As per the statement of IO, the accused persons have never been declared as proclaimed offender in this case.

(iii) As per the statement of IO, in the present FIR challan has been presented on 13.08.2018, under Section 173 Cr.P.C and charge-sheet has been framed against the accused under

Sections 354, 354-A, 323, 506, 34, 201 IPC on 13.09.2018.
Now the trial proceedings are pending for the prosecution witnesses.

(iv) As per the statements of parties, the compromise appears to be genuine, entered into voluntarily and without any coercion and undue influence.”

An examination of the factual matrix shows that probably the dispute is an outcome of some dispute at work, which has been amicably settled. Parties, who are neighbors, have decided to give quietus to the dispute and lead a peaceful life.

In view of the above, report of the Trial Court and judgment of Supreme Court in **Shiji @ Pappu and others Versus Radhika and another 2012(1) RCR (Criminal) 9**, this Court is inclined to accept the prayer made in the petition.

Accordingly, the petition is allowed. FIR No.13 dated 04.02.2018 registered for offences under Sections 354, 354-A, 323, 506, 34 of Indian Penal Code, 1860, however, Section 201 IPC was added later on, at Police Station Moonak, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioners.

December 19, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>