

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

CRM-M-53798-2021

Date of Decision:-23.3.2022

Mohammad Kaku @ Kaku & Ors.

... Petitioner

Versus

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Randeep Singh, Advocate for
Mr. Amit Gupta, Advocate
for respondent No.2/ complainant.

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. 47 dated 29.02.2020
registered under Sections 353, 186, 332, 333, 148 and 149 IPC, Police
Station Dinanagar, District Gurdaspur (Annexure P-1) on the basis of
compromise (Annexure P-3) along with other consequential proceedings
arising thereto.

The impugned FIR was registered on the statement of
respondent No.2 ASI Baldev Singh with the allegations that on 29.02.2020

he went to village Rasulpur Rangra to investigate the complaint given by one Bhola Masih, then the petitioners prevented him from discharging his duties and torn his uniform.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has 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 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 learned Sessions Judge, Gurdaspur 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. 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 aforesated 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. 47 dated 29.02.2020 registered under Sections 353, 186, 332, 333, 148 and 149 IPC, Police Station Dinanagar, District Gurdaspur (Annexure P-1) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the settlement/ compromise (Annexure P-3) in letter and spirit.

23.03.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No