

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

288

CRM-M-2947-2023

Date of decision : 26.05.2023

Ran Vijay and Ors.

..... Petitioners

V/S

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ankush Ramphal, Advocate for
Mr. Anil Kumar Garg, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Vijay Deep Rathee, Advocate for
Mr. Kushagra Mahajan, Advocate
for respondent Nos. 2 and 3.

AMARJOT BHATTI J. (ORAL)

The petitioners-Ran Vijay, Basmati and Manisha have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.0057 dated 18.03.2022, under Sections 323, 354, 427, 452, 148, 149 of IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana and all other subsequent proceedings on the basis of compromise between the parties dated 20.10.2022 (Annexure P-2).

As per the facts of the case, the complainant –Poonam gave her statement to the police that her husband-Santosh Kumar is working as property

adviser. His office is situated in the street outside the house. On 12.03.2022 at about 10:15 PM, she along with her husband Santosh Kumar, son-Moni were sitting on the rooftop and were having dinner. They heard noise of banging the shutter of their shop. They saw from the rooftop that Ran Vijay armed with sword, his mother-Basmati, wife-Manisha and three more persons were outside. They were causing loss to their property. Her husband opened the main gate and on this Ran Vijay and his companions entered their house. Ran Vijay gave a blow with sword which her husband tried to ward off by raising his right arm. As a result it hit on his right arm. Basmati and Manisha started beating her. The unknown persons also gave beating to her husband. She tried to save her husband but Ran Vijay got furious and started using force against her and her clothes were torn. On hearing the alarm, their neighbours started gathering there. Thereafter, the aforesaid assailants left the spot with their respective weapons with a threat to kill them, in vehicle No. PB-91-L-9034. Their neighbour Gurjeet Singh arranged a vehicle and took her husband to Civil Hospital, Ludhiana for treatment. With these allegations, the present FIR has been registered.

The petitioners filed this petition for the quashing of aforesaid FIR on the basis of compromise. The petitioners and respondent No.2 and 3 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Ludhiana dated 20.03.2023. The statement of respondent Nos.2 and 3 have been recorded, where they confirmed the compromise with the petitioners. They confirmed that this compromise has been effected without any pressure, coercion from any side and they have no objection regarding quashing of FIR.

The petitioners- Ran Vijay, Basmati and Manisha have also confirmed this fact in their separate statement. The statement of ASI Kamaljit Singh is also recorded who further confirmed that the accused are neither involved in any other case nor have been declared as proclaimed offenders.

Therefore, from the report of Judicial Magistrate 1st Class, Ludhiana it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Both the parties are residents of same locality. It would enable them to live in peace and harmony. They have mutually settled all their disputes. It will end enmity and litigation started between them. No purpose would be served with the continuation of criminal proceedings.

Therefore considering these facts the petition filed by the petitioners is accepted and FIR No.0057 dated 18.03.2022, under Sections 323, 354, 427, 452, 148, 149 of IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

26.05.2023
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No