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

**CRM-M-2741-2023 (O&M)
Date of decision : 28.08.2023**

Prem Singh and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sukhveer Kaur, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Kunal Sarangal, Advocate,
for Mr. Raj Kumar Arya, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0017 dated 11.02.2022 (**P-1**), under Sections 325, 323, 452, 506, 148 & 149 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Bhindi Saidan, District Amritsar Rural, along with all consequential proceedings arising therefrom on the basis of compromise dated 02.01.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners caused injuries to the complainant.

3. The Co-ordinate Bench, on the previous date of hearing i.e. 11.05.2023, passed the following order:-

“On 18.01.2023, this Court had passed the following order:-

Notice of motion.

Mr. Arun Luthra, DAG, Punjab and Mr. Raj Kumar Arya, Advocate accept notice on behalf of respondent No.1 and respondent No.2, respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.0017 dated 11.02.2022 registered under Sections 325, 323, 452, 506, 148 and 149 IPC at Police Station Bhindi Saidan, District Amritsar Rural on the strength of a written compromise (Annexure P-2) entered into between the parties.

The petitioners as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 30.01.2023 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed

offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 11.05.2023.

In pursuance of the afore-quoted order, the parties did not appear before the Illaqa Magistrate/trial court to record their statements. Another opportunity is prayed for to do the needful which in the interest of justice and subject to payment of Rs.5000/- as costs, to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, is granted.

The parties shall now appear before the Illaqa Magistrate/Trial Court on 25.05.2023.

To await the report of the Illaqa Magistrate/Trial Court, adjourned to 23.08.2023.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 10.08.2023 has been submitted in this regard by learned Judicial Magistrate 1st Class, Ajnala. The operative part of the same reads as under:-

“From the statements of the parties, it clearly appears that the compromise inter-se them is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police officer present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs.5,000/- each. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

28.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : **Yes / No**
Whether reportable : **Yes / No**