

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

**CRM-M No.10211 of 2023 (O&M)
Date of decision: 23.08.2023**

Roshan Lal Sehgal and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev Kumar, Advocate for
Mr. Munish Puri, Advocate, for the petitioners.

Mr. Amish Sharma, AAG, Punjab for respondent No.1.

Mr. Amrit Paul Nahar, 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.18 dated 11.04.2015 (P-1), under Sections 323, 148, 149 of the Indian Penal Code, 1860 (Sections 452 & 326, IPC added later on), registered at Police Station Taragarh, District Pathankot along with all consequential proceedings arising therefrom on the basis of compromise dated 25.03.2022 (P-5), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that on 05.02.2015 at around 05:00 PM, when complainant/respondent No.2-Raman Kumar Vohra was closing the gate of

his house, then his daughter-in-law, namely, Renu Bala (petitioner No.3), her mother-Saroj (petitioner No.2), father-Roshan Lal (petitioner No.1), all armed with sticks, along with other two unknown persons, armed with *Datar* & stick, entered into his house and asking about his son-Amit. Meanwhile, Renu Bala raised *lalkara* that his leg be cut if he is not disclosing the whereabouts of his son. Both the aforesaid unknown persons gave *Datar* & Stick blows on different parts of the body of complainant. Accused Roshan also gave stick blow on his right knee. On raising the alarm, accused persons ran away from the spot with their respective weapons.

(3) The Coordinate Bench, while issuing notice of motion on 27.02.2023, passed the following order:-

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.18, dated 11.04.2015, under Sections 323, 148, 149 of IPC (Section 326 IPC added later on), registered at Police Station Taragarh, District Pathankot along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No. 1-State. A copy of the paper book be supplied to her during the course of the day.

Mr. Amrit Paul Nahar, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record. He affirmed the factum of compromise arrived at between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

(i) how many total accused are facing the trial;

(ii) whether challan is presented in the Court? If so, against how many accused;

(iii) whether any of the accused was declared proclaimed offender at any stage of trial;

(iv) status/stage of the trial/case;

(v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.

Report be sent through the concerned District & Sessions Judge, before the next date of hearing.

Adjourned to 19.07.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Pathankot and submitted a report dated 20.05.2023. The operative part of the same reads as under:-

“6. The report be send with regard to the facts are as under-

- (i) That there are five accused persons who are facing the trial.*
- (ii) As per the statement of 10 in this case the police has not filed the challan but has filed the cancellation report.*
- (iii) As per the statement of Investigating Officer, that no accused involved in this FIR is declared as proclaimed offender.*
- (iv) That the present case still pending for the consideration on charge.*
- (v) That from the statements of parties, it appears that the compromise between parties is genuine, voluntary and without any pressure the parties.*

7. From the statements of parties, it appears that the complainant/injured person and five accused persons have entered into compromise with each other voluntarily and without any pressure or coercion.”

(5) A perusal of the aforesaid report clearly reveals that the matter has been compromised by both 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 each other.

(6) Learned State Counsel, on instructions from ASI Balkar Singh, has apprised the Court that after investigation, Cancellation Report was submitted by the police. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raises no objection to the present petition.

(8) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any 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.

(9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(10) Pending application(s), if any, shall also stand disposed off.

August 23rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>