

119 (1st case)

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

**CRM-M No.16418 of 2023 (O&M)
Date of decision: 02.08.2023**

Parveen Kumar and another

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akun Shemar, Advocate, for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab for respondent No.1.

Mr. Tejinderbir Singh, Advocate, for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of General Diary Report No.31 dated 19.11.2017 (P-1), under Sections 323, 324, 34 of the Indian Penal Code, 1860, registered at Police Station Khanauri, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 20.12.2022 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that on 18.11.2017 at around 1:30 PM, when complainant/respondent No.2-Gurmeet Singh was going to his farm and reached near the motor, his cousin-Parveen, armed with *Gandasa*, and

uncle-Raghubir Singh, armed with Iron Rod, were standing near their common motor. His aunt-Rajpati gave a *lalkara* that complainant be not allowed to leave unhurt and be taught a lesson for getting the land partitioned. On this, Parveen gave *Gandasi* blow on the head of complainant, which hit him on his left ear and he fell down on the ground. Thereafter, Raghubir Singh gave three iron rod blows on his shoulders. On raising the alarm, accused persons fled from the spot.

(3) The Co-ordinate Bench, while issuing notice of motion on 24.04.2023, passed the following order:-

“This petition has been filed for quashing of GDR No. 31, dated 19.11.2017 registered at Police Station Khanauri, District Sangrur under Sections 323, 324, 341, 34 IPC in FIR No. 106 dated 19.11.2017 on the basis of compromise.

Learned counsel for the petitioners submits that the parties are family of blood brothers and the FIR was registered on account of a property dispute. Now they have reached an amicable settlement and, thus, the FIR may be quashed.

Notice of motion.

Mr. Kamalpreet Bawa, AAG Punjab accepts notice on behalf of respondent No. 1 and waives service.

Mr. Tejinderbir Singh, Advocate puts in appearance on behalf of respondent No. 2 and waives service.

Learned counsel for respondent No. 2 admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 24.05.2023 at 10.00 a.m. and get their statements recorded and thereafter the trial Court shall transmit its report to this Court regarding genuineness of compromise before the next date of hearing i.e. 25.07.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Moonak and

submitted a report dated 19.07.2023. The operative part of the same reads as under:-

“The undersigned has carefully gone through the statements got recorded by the complainant and the accused, Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations. Besides this, the parties have been duly identified by their counsels.”

(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 the police official 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 compromise effected between the parties.

(7) 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.

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

August 2nd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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