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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20717-2023 (O&M)
Date of decision :28.07.2023

Gurpreet Singh @ Gopi and others ... Petitioners
Versus
State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Baljinder Singh, Advocate, for the petitioners.
Mr. Amish Sharma, Assistant Advocate General, Punjab.
Mr. Munish Khanngwal, 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.160 dated 25.12.2017 (**P-1**), registered under Sections 324, 325, 34 of the Indian Penal Code, at Police Station, Mahilpur, District Hoshiarpur, along with all consequential proceedings arising therefrom on the basis of compromise dated 18.04.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. As per prosecution case, petitioners Gurpreet Singh @ Gopi, Barinder Kumar @ Kali and Manjit Singh @ Kala along with other accused Manjit Singh @ Sonu have caused injuries to complainant- Lakhwinder Singh. Petition filed for quashing of FIR by co-accused Manjit Singh @ Sonu bearing CRM-M-14560-2022 was allowed by a Co-ordinate Bench vide order dated 09.02.2023.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 16.05.2023, passed the following order:-

“The petitioner(s) arraigned as accused in the FIR captioned below, have come up before this Court under Section 482

Cr. PC to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Counsel appearing for the private respondent(s) states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 15.05.2023, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

<i>Name of the reporting Court</i>	
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<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
160	25.12.2017	Mahilpur District Hoshiarpur	324, 325, 34 IPC

<i>Criminal Case no. before trial court</i>	
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1.	<i>Names of the complainant/ victims(s)/ aggrieved persons(s)</i>	
2.	<i>Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded</i>	
3.	<i>Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?</i>	Yes/No
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	Yes/No
5.	<i>Is there pressure, threat, or coercion upon the victim(s) /aggrieved person (s)/complainant?</i>	Yes/No
6.	<i>Names of the accused person(s)</i>	
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	Yes/No
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	Yes/No
10.	<i>Has the police report been filed or not?</i>	Yes/No
11.	<i>Notice of accusation /Charges have been framed or not?</i>	Yes/No
12.	<i>Sections of statutes invoked in the matter</i>	
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	Yes/No

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particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

Further proceedings before the trial Court shall remain stayed qua the petitioners except for recording of statement for compromise and transmitting report to this Court till the next date of hearing. CRM-18450-2023 stands disposed of.

List on 07.07.2023.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Gharshankar and submitted a report dated 03.05.2023. The operative part of the same reads as under:-

8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	<i>Yes. As per statement of complainant, earlier he has compromised the matter with accused Manjit Singh @ Sonu on account of which case/ FIR has already been quashed qua him and now he has compromised the matter with remaining three accused persons namely Barinder Kumar @ Kali, Manjit Singh @ Kala and Gurpreet Singh @ Gopi.</i>
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	<i>No</i>
10.	<i>Has the police report been filed or not?</i>	<i>No</i>
11.	<i>Notice of accusation /Charges have been framed or not?</i>	<i>No</i>
12.	<i>Sections of statutes invoked in the matter</i>	<i>324, 325, 34 IPC</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	<i>Yes. The compromise appears to be genuine, voluntary, with free will and consent of parties.</i>

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.

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6. Further petition bearing CRM-M-14560-2022 filed by co-accused Manjit Singh @ Sonu was allowed by a Co-ordinate Bench vide order dated 09.02.2023, and FIR in question was quashed qua him.

7. 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 the compromise effected between the parties.

8. In view of above, this Court is fully convinced that the offence is entirely personal in nature and do not affect any public peace or tranquillity. 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. However, as a deterrence for the future, petitioners are burdened with costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

28.07.2023

vs

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No