

**118 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-21773-2023 (O&M)
Date of Decision: 26.07.2023**

Bhinder Singh @ Palwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. A.K. Khunger, Advocate
for the petitioners.

Mr.Jaiteshwar S. Bhandari, AAG, Punjab.

Mr.Kuljit 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 FIR No.94 dated 17.10.2017 under Sections 452, 323, 148, 120-B read with Section 149 of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station SadarAbohar, District Fazilka(P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 22.03.2021 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that on 07.10.2017 at about 09.30 pm, petitioners trespassed into the house of Kaku brother of the complainant. On being objected by the complainant, they caused injuries on his hands, arm and head.

3. The Co-ordinate Bench, while issuing notice of motion on 01.05.2023, passed the following order:-

“...Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court on 10.05.2023 or any other date convenient to the Court, which shall record their statements and send a report to this Court to the effect as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Abohar and submitted a report dated 14.06.2023. The operative part of the same reads as under:-

“It is submitted that in view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, voluntary and without any pressure 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 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.

7. In view of above, 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, petitioner is burdened with

costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court
Bar Association, Chandigarh Lawyers Family Welfare Fund.

26.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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