

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

(275)

CRM-M-23383-2023
Date of Decision:- 12.10.2023

Mata Din and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manpreet Singh, Advocate
for the petitioners.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Ms. Shagun, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.160 dated 28.07.2022, registered for offences under Sections 341, 323, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Bagha Purana, District Moga, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 08.02.2023, Annexure P-2, arrived at between the parties.

2. Pursuant to order dated 07.08.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. In his statement, respondent/complainant Deepak Kumar stated that on his initiation, FIR No.160 dated

28.7.2022 under Sections 341, 323, 506, 148, 149, IPC was registered at police station Baghapurana against accused-petitioners Mata Din son of Sagroo Ram, Banarsi Dass (since deceased) son of Ram Chand, Raj Kumar son of Om Parkash and Pappu Singh son of Puran Singh, all residents of Hargobind Colony, Bhagta Bhai Road, Baghapurana and Shobh Raj son of Moti Ram, resident of Baba Jiwan Singh Nagar Baghapurana. That now with the intervention of respectables of the society, the complainant has compromised the matter with the above said accused persons. The compromise is genuine, voluntarily and without any coercion or undue influence. He has no objection, if the present FIR is quashed.

2. That in their joint statement, accused Mata Din, Raj Kumar, Pappu Singh and Shobh Raj stated that on the initiation of complainant-respondents Deepak Kumar, present FIR was registered against them and they have compromised the matter with the complainant which is genuine, voluntarily and without any coercion or undue influence. No other FIR has been registered against them. They have fulfilled all the conditions of the compromise. They have not been declared as proclaimed offenders by any Court in any case so far.

3. That as per statement of ASI Gurcharan Singh, investigating officer, there are only five accused namely Mata Din, Banarsi Dass (since deceased), Raj Kumar, Pappu Singh and Shobh Raj in the present FIR and all the accused have not been declared as proclaimed offenders. There is only one complainant/victim namely Deepak Kumar in the present FIR and he has made his statement in support of the compromise. No other FIR is pending against the accused persons. The challan has been presented and charge has also been framed in this case and evidence in this case is yet to be recorded. As per death certificate Ex.D1 produced on record, accused Banarsi Dass had died on 20.08.2023.

The above statements of parties have been recorded in presence of their counsels. So, I am satisfied that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.”

3. Counsel representing respondent No.2 does not have any objection in case the compromise is given effect to.
4. Heard counsel for the parties.
5. Dispute has been amicably resolved amongst the parties with the intervention of the respectables by virtue of compromise, Annexure P-2.
6. In view of the report given by the learned Magistrate and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.
7. Accordingly, the petition is allowed. FIR No.160 dated 28.07.2022, registered for offences under Sections 341, 323, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Bagha Purana, District Moga, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

12.10.2023

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No