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

**CRM-M-27452-2023 (O&M)
Date of decision : 01.08.2023**

Varinder Singh @ Kaka and others

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ish Puneet Singh, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Ravinder Singh, Advocate,
for the respondent Nos.2 to 7.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.411 dated 21.11.2022 (**P-1**), under Sections 326, 324, 323, 148, 149 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Kotwali, Kapurthala, District Kapurthala, along with all consequential proceedings arising therefrom on the basis of compromise dated 22.05.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 8.

2. Allegations are that the petitioners caused injuries to the complainant and other members of his family.

3. The Co-ordinate Bench, while issuing notice of motion on 29.05.2023, passed the following order:-

“This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 411 dated 21.11.2022 under Sections 326, 324, 323, 148 & 149 IPC registered at Police Station Kotwali Kapurthala, District Kapurthala, (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 22.05.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners submits that FIR was registered at the instance of respondent No.2 and during the pendency of the petition, matter has since been compromised with the intervention of the respectables.

3. Notice of motion.

4. At the asking of the Court, Mr. Shubham Kaushik, AAG, Punjab accepts notice on behalf of the State and Mr. Ravinder Singh, Advocate accepts notice on behalf of respondent Nos. 2 to 7 and has filed the Power of Attorney on behalf of respondent No.2 and memo of appearance on behalf of respondent Nos. 3 to 7, which are taken on record. Let the copy of the petition be handed over to the counsel opposite during the course of the day.

5. Learned counsel for respondent Nos. 2 to 7 admits the factum of compromise.

6. Accordingly, the private parties are directed to appear before the concerned trial Court/Duty Magistrate on 04.07.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

7. To await report of the trial Court, adjourned to 24.07.2023.

8. The petitioners are directed to collectively deposit Rs.20,000/- with the Poor Patients Welfare Fund, PGIMER, Chandigarh, before

getting their statements recorded and produce the receipt thereof before the CJM/Duty Magistrate, Rohtak.

9. In the meanwhile, no coercive steps be taken on the aforesaid FIR till the next date of hearing.”

The words ‘CJM/Duty Magistrate, Rohtak’ be read as ‘CJM/Duty Magistrate, Kapurthala’ vide order dated 13.07.2023.

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 07.07.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Kapurthala. The operative part of the same reads as under:-

“It is respectfully submitted that from the joint statement of petitioners/accused and separate statement of the complainant, victim Vansh Kumar and Sadhu Ram it can be seen that the compromise arrived amongst them is genuine, voluntary and without any pressure and 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 officer 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, this Court is fully convinced that the offence is entirely personal in nature and does not affect 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. It also transpires that in pursuance of order dated 29.05.2023, costs have already been deposited by the petitioners.

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

01.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : **Yes / No**

Whether reportable : **Yes / No**