

**132 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-29470-2023 (O&M)****Date of Decision: 23.08.2023**

Pardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Abhimanyu Vinayak, 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.18 dated 07.03.2019 under Sections 323, 324, 506, 148 & 326 read with Section 149 IPC registered at Police Station Nakodar Sadar, District Jalandhar (Rural) (**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. The FIR was lodged on the statement of Gautam in which he stated that accused Pardeep Singh @ Pretta, Lovepreet Singh, Nihal Singh, Nirmal Singh, Kashmir Singh and Simranjeet Singh caused injuries to him with sickle & handle. The complainant started shouting, then the accused fled away from the spot.

3. This Court while issuing notice of motion, on 03.07.2023, passed the following order:-

“

(7) *In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 25.07.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.*

(8) *Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*

- (i). *Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*
- (ii). *Whether the compromise effected between the parties is genuine and valid?*
- (iii). *Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv). *Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v). *Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi). *Whether any of the petitioner(s) is/are previous convict or not?*

(9) *List before this Court on 21.08.2023 for further consideration.*

(10) *Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*

(11) *Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Sub-Divisional Judicial Magistrate, Nakodar and submitted a report dated 09.08.2023. The operative part of the same reads as under:-

“...

1. *In view of the statements suffered by the parties, this Court is of the considered view that statements of the parties are bona fide not result of any pressure or coercion etc, in any manner.*

(2) *In view of the statements suffered by the parties, this Court is of the considered view that the compromise is genuine and valid.*

3. *As per compromise, all the accused, complainant/injured are party to the compromise.*

4. *As per statement of Investigating Officer, no any other case is pending against the accused.*

5. *As per statement of the Investigating Officer none of the accused has ever been declared P.O. in any case.*

6. *As per statement of investigating officer none of the accused has been convicted previously in any case.”*

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, **each** petitioner is burdened with costs of Rs. 5000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

23.08.2023

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No