

121-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-29861-2023 (O&M)****Date of Decision: 11.09.2023**

Ajay Kumar and others

.. Petitioners**Vs.**

State of Punjab and another

..Respondents**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. G.B.S. Bains, Advocate for
Mr. Sachin Kalia, Advocate for the petitioners.

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

Mr. G.S. Jagpal, Advocate for respondent No.2.

...

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of G.D. No.18 dated 14.01.2023, registered under Sections 325, 323, 148 and 149 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station City Jagraon, District Ludhiana in FIR No.3 dated 06.01.2023 (P-1), under Sections 325, 452 and 34 of IPC, registered at Police Station City Jagraon, District Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 20.05.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners caused injuries to the complainant and this is a counter blast to the present FIR.

3. It transpires that on 03.07.2023, parties were directed to appear before learned trial Court/Illaq Magistrate for recording their statements

with regard to the compromise/settlement and the order in main case reads as under:-

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. G.S. Jagpal, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2. He acknowledged the factum of compromise dated 20.05.2023 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(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 17.08.2023 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 pursuance of the aforesaid order, a report from learned Sub Divisional Judicial Magistrate, Jagraon was received vide Memo No.595 dated 02.08.2023 and the operative part of the same reads as under:

“i) The statements of the parties are bonafide and not result of any pressure or coercion etc. in any manner.

ii) The compromise effected between the parties is genuine and valid.

iii) Accused namely Ajay Kumar, Jatinder Singh @ Kali, Baldev Singh, Harpreet Singh @ Happy and Rakesh Kumar and complainant Sarabjit Singh @ Mehanga are party to the compromise.

iv) As per the statements of the parties as well as investigating officer, except the present case as well as cross case, no other case is pending between the parties.

v) As per the statement of the parties as well as investigating officer, no persons involved in this case/dispute has been declared as proclaimed offender.

v) As per the statement of the parties as well as investigating officers, none of the petitioners are previous convict.”

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 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. Consequently, present petition is allowed; aforesaid FIR along

with all consequential proceedings resulting therefrom are quashed qua the petitioners, subject to costs of Rs.5,000/- each. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

9. Pending application(s), if any shall also stand disposed off.

11.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No