

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

269

CRM-M-32767-2022

Date of decision: 16.08.2023

Harinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Avtar Singh Bhatti, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab
for respondent No.1-State.

Mr. A.S. Barnala, Advocate
for respondents No.2 to 4.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.238 dated 07.10.2020 under Sections 323, 382, 506, 148 and 149 of the IPC registered at Police Station Dasuya, District Hoshiarpur and all consequential proceedings arising out of the same, on the basis of compromise dated 05.03.2021 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 28.07.2022/24.05.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Dasuya, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between

the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainants has also made statements to the effect that they would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there were three other persons, who too had been named in the FIR in question, but during investigation two were found innocent and not challaned and proceedings against third i.e. Baljinder Singh have been stopped vide DDR No.23 dated 14.03.2023. Respondents No.2 to 4 are the only aggrieved persons in the FIR in question.

6. In view of the report of the learned Sub Divisional Judicial Magistrate, Dasuya and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the petitioners.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

16.08.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No