

**128 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-37070-2023 (O&M)

Date of Decision: 05.10.2023

AMANDEEP SINGH AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.K. Handa, Advocate
for the petitioners.

Mr. C.L. Pawar, Addl. AG, Punjab.

Mr. Sunil Kumar Dogra, Advocate for
Mr. Mohit Kakkar, 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.007 dated 13.01.2023 under Sections 341, 323, 506 and 34 of the Indian Penal Code, 1860 (for short, *the IPC*) (Section 326 of IPC added later on) at Police Station Gobindgarh Mandi, District Fatehgarh Sahib(P-2) along with all consequential proceedings arising therefrom on the basis of compromise dated 19.07.2023 (**P-1**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. The accused are alleged to have given injuries on the left hand of the respondent No. 2 while he was standing outside his house.

3. This Court, while issuing notice of motion on 31.07.2023, passed the following order:-

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

(2) Notice of motion.

(3) On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Mohit Kakkar, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise dated 19.07.2023 (P-1) 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 18.08.2023 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 19.09.2023 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, Amloh and submitted a report dated 11.09.2023. The operative part of the same reads as under:-

“3. Para-wise report is submitted as follows:-

- i) The statements of the parties appear to be bonafide and not result of any pressure or coercion etc. in any manner.*
- ii) The compromise effected between the parties appear to be genuine and valid.*
- iii) As per statement of ASI Amrik Singh, Investigating Officer, all the culprit, complainant and injured are parties to compromise Annexure A1.*
- iv) As per statement of ASI Amrik Singh, Investigating Officer, no any other case is pending against either of the parties.*
- v) As per statement of ASI Amrik Singh, Investigating Officer, none of the persons involved in this case/dispute, has been declared a proclaimed offender.*
- vi) As per statement of ASI Amrik Singh, Investigating Officer, neither accused Amandeep Singh nor juvenile Jaskaran Singh alias Karan Singh (petitioners) are previously convicted.*

4. Hence, report is submitted please.”

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 ASI Sukhwinder Singh 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. Learned counsel for respondent No. 2 has also admitted the factum of compromise.

8. In view of above, this Court is fully convinced that the offence is entirely personal in nature. 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.

9. 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, petitioners are burdened with costs of Rs. 20,000/- (Rs. 10,000/- to be paid by each petitioner). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

05.10.2023
Ajay Goswami

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No