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

CRM-M-44541-2022 (O&M)

Date of decision : 01.08.2023

Rachpal Droch @ Budhu and another

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Kudrat Sareen, Advocate,
for Mr. Sarju Puri, Advocate,
for the petitioners.

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

Mr. Abhinav Singh, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.87 dated 24.05.2008 (P-1), under Sections 323, 324, 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sadar Nawanshahar, District Nawanshahar (SBS Nagar), along with all consequential proceedings arising therefrom on the basis of compromise dated 19.09.2022 (P-3), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners waylaid the complainant & one Raj Kumar and inflicted injuries on them.

3. The Co-ordinate Bench, while issuing notice of motion on 15.11.2022, passed the following order:-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. The petitioners are facing

trial in FIR No.87 dated 24.05.2008, registered for offences punishable under Section 323, 324 & 34 of the Indian Penal Code, at Police Station Sadar Nawanshahar, District Nawanshahar (SBS Nagar).

Learned counsel for the petitioners contends that the matter already stands compromised vide compromise dated 19.09.2022 (Annexure P-3).

Notice of motion for 27.03.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of respondent No.1-State. Mr. Abhinav Singh, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties, ie, the petitioners as well as respondent No.2 are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 29.11.2022. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the 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 case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent to the Registrar Judicial of other this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaq Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 21.07.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar. The operative part of the same reads as under:-

“As per the statements so recorded by both the sides, it can be deduced that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties.. ”

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. 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. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

01.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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