

(319) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46898-2022 (O&M)

Date of Decision:16.03.2023

Jarnail Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Hakam Singh, A.A.G. Punjab.

Mr. Azam Khan, Advocate for respondent No.2.

KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioners seeking quashing of FIR No.49 dated 27.10.2018 registered under Sections 365, 342, 384, 323, 120-B IPC at Police Station Qadian, District Batala (Annexure P-1) along with other consequential proceedings arising thereto on the basis of compromise (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2 on the allegations of kidnapping, snatching as well as of beatings by the accused-petitioners.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise. In

Batala along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the parties are ad idem that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052, this petition is allowed and FIR No.49 dated 27.10.2018 registered under Sections 365, 342, 384, 323, 120-B IPC at Police Station Qadian, District Batala (Annexure P-1) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(KARAMJIT SINGH)
JUDGE

16.03.2023

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No