

116

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

CRM-M-57269-2022 (O&M)

Date of decision : 01.08.2023

Balwinder Kaur and others

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arshdeep Singh Khaira, Advocate,
for the petitioners.

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

Ms. Gagandeep Kaur, Advocate,
for the respondent Nos.4 & 5.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.22 dated 08.03.2021 (**P-1**), under Sections 452, 323 and 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Kahnuwan, District Gurdaspur, along with all consequential proceedings arising therefrom on the basis of compromise dated 29.08.2022 (**P-2**), entered into between the parties i.e. petitioners as well as respondent Nos.4 & 5.

2. Allegations are that the petitioners trespassed into the house of petitioners and caused injuries to them.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 18.01.2023, passed the following order:-

“This petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No. 22 dated 08.03.2021 registered under Sections 452, 323 and 34 of the Indian Penal Code at Police Station Kahnuwan District Gurdaspur and all consequential proceedings arising therefrom on the basis of the compromise 29.08.2022 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners submits that the dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2).

Notice of motion.

Mr. Gurdarshan Singh Sidhu, AAG Punjab, who is present in the Court accepts notice on behalf of respondent No. 1-State and seeks time to file reply/status report.

Ms. Gagandeep Kaur, Advocate has put in appearance on behalf of respondent Nos. 4 and 5, accepts notice on their behalf and admitted the factum of compromise.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court to get their statement(s) recorded with regard to compromise/settlement within a period of 30 days from today.

The learned Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arraigned as accused in 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 other 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.*
- 6. What is the stage of proceedings?*

The report of the Illaqa Magistrate/trial Court be awaited for 23.03.2023.

Status report/reply on behalf of State be also filed on the adjourned date.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Gurdaspur, submitted a report dated 03.03.2023. The operative part of the same reads as under:-

“From the statements, it is apparently appears that statements have been given voluntarily and without any coercion or undue influence..”

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 do not affect any 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.20,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

01.08.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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