

DATE OF DECISION:-01.05.2024

...Petitioners..

VS.

...Respondents..

Present: Mr.Mitul Singh Rana, Advocate,
for the petitioners.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Ashu Rana, Advocate
for respondents No.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.107 dated 03.12.2022, registered under Sections 307, 323, 341, 506, 149 IPC and Sections 25/27 of the Arms Act, 1959, at Police Station Ghardiwal, District Hoshiarpur (later on converted into under Sections 323, 341, 506, 149 IPC through Police Zimni) (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 25.06.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners gave beatings to the brother of the complainant and dragged him naked into the market, besides it, they choked his neck with rope with an intention to kill him.

2.1 Initially, FIR was registered under Section 307 IPC and

Sections 25/27 of the Arms Act, however, the same were later dropped during investigation.

3. In pursuance of order dated 11.03.2024 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 02.04.2024 has been received from the concerned Court, stating that compromise is genuine, voluntary and out of free will of the parties. No accused has been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, the parties are belong to the same village and keeping in view the safety and betterment of the future of generations to come, they have entered into a settlement besides it in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of***

Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.

6. Moreover, learned counsel for the petitioners on instructions from his clients, submit that they volunteer to serve public cause by providing 06 Air Quality Monitor to Civil Hospital, Hoshiarpur.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.107 dated 03.12.2022, registered under Sections 307, 323, 341, 506, 149 IPC and Sections 25/27 of the Arms Act, 1959, at Police Station Ghardiwal, District Hoshiarpur (later on converted into under Sections 323, 341, 506, 149 IPC through Police Zimni) (Annexure P-1) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed, however, subject to providing *06 Air Quality Monitor* to the Civil Hospital, Hoshiarpur, within a period of two weeks from today as volunteered by the petitioners against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

01.05.2024

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No