

2024:PHHC:078327



246 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19815-2024 (O&M)
DATE OF DECISION:-30.05.2024

Raju Masih @ Tilak Masih and others ...Petitioners..

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lakshay Bector, Advocate,
for the petitioners.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Saurav Kanojia, Advocate,
for respondent No.2.

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.125 dated 03.06.2019 registered under Sections 323, 341, 148, 149, 506, 294 IPC at Police Station Moti Nagar, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 10.04.2024 (Annexure P-2).

Status report by way of affidavit of Mr. Jasbinder Singh (PPS), Assistant Commissioner of Police, Industrial Area “A” Ludhiana on behalf of respondent-State has been filed in Court today and the same is taken on record.

2. As per the allegation levelled in the FIR, the petitioners inflicted injuries to respondent No.2 with their respective weapons i.e. swords knife, baseball and bricks.

3. In pursuance of order dated 23.04.2024 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 22.05.2024 has been received from the concerned Court, stating that the compromise entered between the parties is genuine, voluntarily and out of free will. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 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, 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 one (01) bed and one (01) stretcher to Civil Hospital, Ludhiana.

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.125 dated 03.06.2019 registered under Sections 323, 341, 148, 149, 506, 294 IPC at Police Station Moti Nagar, District Ludhiana (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 one (01) bed and one (01) stretcher to Civil Hospital, Ludhiana, 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.

9. Pending application(s), if any, stand(s) disposed of.

30.05.2024

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(HARKESH MANUJA)
JUDGE

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