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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37796-2024
Date of decision: 02.09.2024

JAI PARKASH AND ANR

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: Mr. Chand Ram Olla, Advocate
for the petitioners.

Mr. Deepinder Brar, Sr. DAG, Punjab.

Mr. Nandan Kumar, Advocate
for respondent No.2.

N. S. SHEKHAWAT, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No. 33 dated 16.05.2023 under Sections 323, 279, 341 and 34 IPC (now 115, 126, 3(5) Bhartiya Nagrik Suraksha Sanhita, 2023) registered at Police Station Khanauri, District Sangrur (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 13.06.2024 (Annexures P-2 and P-3).
2. At the very outset, learned counsel for the petitioners submits that inadvertently, Section 297 IPC was not mentioned in the head note and prayer clause of the present petition.
3. He is permitted to carryout the necessary correction in the Court today itself.
4. Vide order dated 05.08.2024 while issuing notice of motion, by a Co-ordinate Bench of this Court had directed the parties to appear before the

Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise/affidavit dated 13.06.2024 (Annexures P-2 and P-3).

3. Pursuant to aforesaid order, the parties have appeared before the Sub Divisional Judicial Magistrate, Moonak and got their statements recorded. Report dated 28.08.2024 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

6. Resultantly, FIR No. 33 dated 16.05.2023 under Sections 323, 279, 341 and 34 IPC (now 115, 126, 3(5) Bhartiya Nagrik Suraksha Sanhita, 2023) registered at Police Station Khanauri, District Sangrur (Annexure P-1) all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

02.09.2024
M.Sikka

(N. S. SHEKHAWAT)
JUDGE

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