
(2019) 02 P&H CK 0026

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 30849, 30886 Of 2018 (O&M)

Amit Kumar And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 06-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 294, 323, 452, 506

Citation : (2019) 02 P&H CK 0026

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : P.C. Rana, Sandeep Kumar, Nitin Verma

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

This order shall dispose off the aforementioned petitions as both these petitions have arisen out of the same occurrence.

Both the aforementioned petitions under section 482 Cr.P.C. are for quashing of FIR No.57 dated 18.02.2018, under Sections 452, 323, 506 and 34 of the Indian Penal Code, registered at Police Station Zirakpur, SAS Nagar, Mohali (Annexure P-1) as well as its cross-version recorded vide DDR No.38 dated 19.02.2018, under Sections 294 and 509 of the Indian Penal Code, registered at Police Station Zirakpur, SAS Nagar, Mohali (Annexure P-2) on the basis of compromise dated 17.07.2018 (Annexure P-3) arrived at between the parties along with all subsequent proceedings arising from that FIR and cross-version.

As per the allegations in the FIR, it has been alleged that on 17.02.2018, the accused persons forcefully entered into the flat of the petitioner and gave severe beatings to him on his person with an iron rod and danda. Whereas in the cross version the allegations against the accused are that he made obscene gestures to complainant namely, Ruhi and asked her to come in his room. Then husband

of the complainant alongwith security guard went to Flat No. C-903, where the accused had locked the door and he opened the door after long persuasion and while coming outside, he started abusing husband of the complainant and scuffled with him. Then he registered a false case against the complainant and her husband.

Heard both the sides and perused the paper-book. On 29.10.2018 this Court has passed the following order:

'Service is complete.

Learned State counsel submits that the matter is still under investigation and in view of the compromise between the parties no arrest has been effected so far.

The parties may appear before Illaqa Magistrate/Duty Magistrate on 01.12.2018 or on any other date convenient to the Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before learned Illaqa Magistrate. In the event of their statements being recorded, learned Illaqa Magistrate will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- (iii) whether any other proceeding is pending against the accused/petitioners.

Report of Illaqa Magistrate be awaited for 06.02.2019. Copy of this order be placed on the file of other connected matter.'

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Dera Bassi and submitted a report dated 08.01.2019. The operative part of the same reads as under:-

'....I am satisfied that the compromise is genuine, voluntary and without any undue pressure or threat from anyone.'

A perusal of the report(s) 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 in case the aforesaid FIR along with DDR are quashed. The learned State Counsel, on instructions from the police official, has also no objection in case the aforesaid FIR along with DDR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquility and thus quashing of FIR No.57 dated 18.02.2018 as well as its cross-version recorded vide DDR No.38 dated 19.02.2018 along with all consequential proceedings on

the basis of compromise would bring peace and harmony to secure the ends of justice.

Accordingly, the impugned FIR along with DDR and all consequential proceedings resulting therefrom, qua the petitioners, are hereby quashed.

Both the present petitions are allowed.

Photocopy of this order be placed on the connected case.