
(2019) 05 P&H CK 0080

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 3882, 4416 Of 2019

Charanjeet Singh And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 13-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 323, 324, 341, 342, 427, 452

Citation : (2019) 05 P&H CK 0080

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Nimanyu Gautam, Sandeep Kumar, Rohit

Final Decision : Allowed

Judgement

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.44 dated 22.05.2018, under Sections 323, 324, 452 148, and 149 of the Indian Penal Code, registered at Police Station Sadar Rampura (Annexure P-1) as well as its cross-version recorded vide DDR No.006 dated 24.05.2018, under Sections 323, 341, 342, 148, 149 and 427 of the Indian Penal Code, registered at Police Station Sadar, Rampura (Annexure P-1) on the basis of compromise dated 17.12.2018 (Annexure P-2) arrived at between the parties along with all subsequent proceedings arising therefrom.

As per the allegations in the FIR, it has been alleged that on 20.05.2018 at about 3:00 p.m. the accused-petitioners entered the house of the complainant forcibly and caused injuries to him, the motive behind the fight was shown to be due to matrimonial dispute between petitioner No.1 and respondent No.2.

Heard both the sides and perused the paper-book.

On 18.03.2019, the following order was passed by this Court:

"It has been pointed out by learned Counsel for the petitioners that report dated 12.03.2019, submitted by learned Sub Divisional Judicial Magistrate, Phul, is not in consonance with the statements of the parties.

Let another attempt be made for recording the statements of the parties and fresh report be called. The matter is primarily a family dispute.

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 09.04.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a comprehensive report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner? (ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 13.05.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance. Photocopy of this order be placed on the connected case(s)."

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Phul and submitted a report dated 03.05.2019. The operative part of the same reads as under:-

'....This Court is satisfied that the compromise effected between the parties is without any pressure and the same is genuine"

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.

Since the matter is primarily a family dispute, 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.44 dated 22.05.2018 as well as its cross-version recorded vide DDR No.006 dated 24.05.2018 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.