
(2019) 02 P&H CK 0136

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 28456 Of 2018

Daan Singh

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 14-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 164, 173, 439

Indian Penal Code, 1860 — Section 121, 121A, 145, 146, 150, 151, 152, 153, 216

Citation : (2019) 02 P&H CK 0136

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : Vinod Ghai, J.S. Mehndiratta, Chetan Sharma

Final Decision : Dismissed

Judgement

Mahabir Singh Sindhu, J

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.0069 dated 01.04.2017 (Annexure P-1), under Sections 452, 325, 323 and 34 of the Indian Penal Code, registered at Police Station Tehsil:Dakha, District Ludhiana Rural along with all consequential proceedings arising therefrom on the basis of compromise dated 30.11.2017 (Annexure P-2) entered into between the parties i.e. petitioners as well as respondent No. 2.

As per the allegations in the FIR, it has been alleged that on 15.03.2017 the accused persons entered in the house of the complainant and gave beatings to him with kirpan and brick due to which he got hospitalised.

Heard learned counsel for the parties and perused the paper book.

On 28.09.2018, this Court has passed the following order:-

" The parties are directed to appear before the trial Court/Illaqqa Magistrate on 1.11.2018 for getting their statements recorded with regard to the compromise arrived among them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

List this matter on 26.11.2018."

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Ludhiana and submitted a report dated 21.11.2018. The operative part of the same reads as under:-

'(iii)..... from the statements of the parties, it appears that compromise has been effected between the parties without any pressure and with their free will.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

On instructions from ASI Tarsem Lal, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.