
(2019) 01 P&H CK 0145

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 7758 Of 2017(O&M)

Daljit Singh @ Kala And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 24-01-2019

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 326, 323, 324, 341, 384

Citation : (2019) 01 P&H CK 0145

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Rajeev K. Kapila, C.L. Pawar, Satpreet Grewal

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.150 dated 20.12.2016 (Annexure P-1), under Sections 323, 324, 341, 384, 148, 149 and 326 of the Indian Penal Code, registered at Police Station Chabewal, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise dated 13.02.2017 (Annexure P-2) entered into between the parties i.e. petitioners as well as respondents No. 2 to 5.

This Court on 07.03.2017, while issuing notice of motion has passed the following order:-

"Notice of motion.

On asking of the Court, Mr. Gurinder Jit Singh, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Ms. Satpreet Grewal, Advocate has put in appearance on her own on behalf of respondents No.2 to 4 and filed her memorandum of appearance today in the

Court, which is taken on record. She is directed to file her Power of Attorney on the next date of hearing.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Chabewal, District Hoshiarpur within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 28th August, 2017.'

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Hoshiarpur and submitted a report dated 19.04.2017. The operative part of the same reads as under:-

'So, from the statement of complainant and party, the compromise effected between the parties appears to be voluntary, genuine, lawful and without any kind of pressure, undue influence from any side. The complainant has produced copy of his Aadhar Card. It is further submitted that no other case is pending against either of the parties with the PS: Chabbewal, district Hoshiarpur as reported by the Naib Court of this Court.'

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.

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.