
(2018) 04 P&H CK 0375

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 10525 Of 2018 (O&M)

Raghuvir Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 18-04-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 148, 149, 323, 324, 325

Citation : (2018) 04 P&H CK 0375

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Satbir Rathore, Simranjeet Kaur, Chander Kant Thakur

Final Decision : Disposed off

Judgement

Mahabir Singh Sindhu, J.

Present petition has been filed praying for quashing of FIR No.43 dated 10.07.2012 (Annexure P-1), under Sections 324/34, 323, 325, 148 and 149 of the Indian Penal Code, registered at Police Station Hajipur, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise dated 03.03.2018 (Annexure P-3) entered into between the parties.

This Court, while issuing notice of motion on 14.03.2018, passed the following order:-

" Notice of motion.

On the asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Chander Kant Thakur, Advocate, accepts notice on behalf of respondents No.2 and 3 and filed his power of attorney. Same is taken on record. Copies of the petition be supplied to learned counsels for the respondents during the course of the day.

It is jointly stated by learned counsel for the petitioners as well as respondents No.2 and 3 that the matter has been compromised between the parties, vide

compromise dated 03.03.2018 (P-3) and they are ready to get their statements recorded before the learned trial Court.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 04.04.2018 to get their statements recorded with regard to compromise. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.
- ii. Whether any accused is proclaimed offender.
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 18.04.2018.

Meanwhile, learned State counsel shall get the instructions in the matter. "

In terms of above order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Mukerian, District Hoshiarpur and submitted a report dated 10.04.2018. The operative part of the same reads as under:-

' After going through the case file and statements of the appearing parties, aforementioned, it is reported that the compromise is genuine, voluntary and without any coercion or undue influence. All the grievances have been settled amicably between the parties without any coercion or undue influence. The report is hereby submitted for kind consideration and further necessary action, please. The statements of complainant and accused persons in original are enclosed herewith. '

A perusal of the 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. Even before this Court also, there is no objection by either of the parties in case the FIR is quashed. Even learned State Counsel, on instructions from the police official present in the Court, has also no objection in case the aforesaid FIR 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 did not affect any public peace or tranquillity 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.

Disposed off accordingly.