
(2019) 03 P&H CK 0199

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 54318 Of 2018 (O&M)

Simranjit Singh

APPELLANT

Vs

State Of Punjab And Anr

RESPONDENT

Date of Decision : 15-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 323, 341, 427, 506

Citation : (2019) 03 P&H CK 0199

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : S.S. Deol, V.G. Jauhar, Saleem Ahmed

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.0039 dated 20.03.2018 (ANNEXURE P-1), under Sections 323, 341, 427, 506, 148 and 149 of the Indian Penal Codes, registered at Police Station Sultanwind, Police Commissionerate Amritsar along with all consequential proceedings arising therefrom on the basis of compromise dated 13.11.2018 (ANNEXURE P-2) entered into between the parties i.e. petitioner as well as respondent No. 2.

As per the allegations in the FIR on 19.03.2018 at about 9:30 p.m. to 10.30.p.m when complainant came out of his house then suddenly petitioner alongwith 10-12 persons reached with baseball as well as soda bottles and stopped him while saying that he will teach a lesson for breaking his engagement proposal. After that complainant rushed inside his house and shut the door. The petitioner alongwith other persons started kicking the door and hitting with glass bottles which hit on the door as well as windows, then complainant and his family members rushed to the roof top of the house and shouted for help. After that the

accused persons ran away.

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

On 07.12.2018 while issuing notice of motion the following order was passed by this Court:

"Heard.

The learned counsel for petitioner contends that parties have effected compromise. Case is stated to be still under investigation.

Notice of motion.

On behalf of State, Mr. Karanbir Singh, AAG Punjab, accepts notice. Copy of petition be supplied to learned State counsel during course of day. Reply be filed before next date of hearing.

Mr. Saleem Ahmed, Advocate, has appeared on behalf of respondent No. 2 and filed power of attorney on his behalf in Court today and same is taken on record.

Let both parties appear before learned Illaqa Magistrate, who shall record statements of both parties and report back to this Court whether compromise is genuine and without any pressure.

Adjourned to 1.2.2019. "

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Amritsar and submitted a report dated 21.12.2018. The operative part of the same reads as under:-

'I am of the considered view that compromise is genuine, voluntarily and without any coercion or undue influence.'

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 the police official present in the Court, 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, 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 petitioner.