
(2019) 03 P&H CK 0274

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 22797 Of 2018(O&M)

Sukhparan Singh And Anr

APPELLANT

Vs

State Of Punjab And Ors

RESPONDENT

Date of Decision : 18-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 34, 323, 325, 326, 341, 506

Citation : (2019) 03 P&H CK 0274

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Sukhdeep Singh Bhinder, C.L. Pawar, Gursimran Singh Jassan

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.48 dated 10.07.2017(ANNEXURE P-1), under Sections 326, 325, 341, 323,506 and 34 of the Indian Penal Code, registered at Police Station Sehna Barnala along with all consequential proceedings arising therefrom on the basis of compromise dated 14.05.2018 (ANNEXURE P-2) entered into between the parties i.e. petitioners as well as respondents No. 2 to 4.

As per the allegations in the FIR, it has been alleged that on 09.07.2017 at about 9:00 a.m. when respondent No.4-went to turn on the water Motor, petitioner No.2 was having wooden stick in her hand and she started beating respondent No.4. After hearing hue and cry of respondent No.4, complainant-respondent No.2 alongwith respondent No.3 went to save her. In the meanwhile, petitioner No.1 came with iron spade and gave blow on the back side of right shoulder of the complainant-respondent No.2 and on the right hand thumb of respondent No.3. Further alleged that petitioner No. 2 gave danda blow on the right hand, right knee and elbow of the complainant.

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

On 25.05.2018, while issuing notice of motion the following order was passed by this Court:

"Prayer in this petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.48 dated 10.07.2017 registered under Sections 326, 325, 341, 323, 506, 34 IPC at Police Station Sehna, Barnala, and all consequential proceedings arising therefrom, on the basis of a compromise dated 14.05.2018 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioners undertakes to hand over a copy of the petition to the counsel for the State during the course of the day.

Mr. Gursimran Singh Jassan, Advocate, accepts notice on behalf of respondent Nos.2 and 3 and acknowledges the factum of compromise dated 14.05.2018 (Annexure P-2) entered into between the parties.

Counsel for the parties state that the next date of hearing before the trial Court is 10.07.2018, on which date the parties would appear before the trial Court and on appearance they would give statements with reference to the compromise referred to above acknowledging the same.

In view of the statement made by the counsel for the parties, parties are directed to appear before the trial Court on 10.07.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements 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.

To come up before this Court on 23.10.2018. Copy of this order be sent to trial Court concerned forthwith for information and compliance."

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Barnala and submitted a report dated 20.11.2018. The operative part of the same reads as under:-

'This Court after hearing the parties in person alongwith their counsel and after going through the statement recorded in the Court is of the opinion that the compromise effected between the parties is voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion.'

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. Jointly stated that none of the injuries are on vital part of the injured and parties are not only from same locality, but related to each other.

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 petitioners.