

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) CRM-M-22458 of 2017.
Decided on:-24.07.2017.

Tilak Raj and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

(2) CRM-M-22457 of 2017.

Sanjeev Kumar and others

.....Petitioners.

Versus

The State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rajeev Sharma, Advocate
for the petitioners in CRM-M-22458 of 2017 and
for respondents No.2 to 4 in CRM-M-22457 of 2017.

Mr. Kamaldeep Singh Sodhi, Advocate
for the petitioners in CRM-M-22457 of 2015 and
for respondents No.2 to 7 in CRM-M-22458 of 2017.

Ms. Simranjeet Kaur, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

This order shall dispose of the aforementioned two petitions filed under Section 482 Cr.P.C. as the same have arisen out of a common F.I.R. No.28 dated 07.03.2017 under Sections 324, 148 and 149 IPC registered at Police Station Garshankar, District Hoshiarpur.

The petition bearing No.***CRM-M-22458 of 2017*** has been filed for quashing of the aforesaid FIR and all consequential proceedings arising therefrom on the basis of compromise dated 15.03.2017 effected between

the parties.

Another petition bearing No.**CRM-M-22457 of 2017** has been filed for quashing of the cross-version recorded at Police Station Garshankar vide DDR No.43 dated 07.03.2017 under Sections 341, 324, 323, 506, 148 and 149 IPC in the aforementioned FIR.

However, for convenience and clarity, facts are being taken from petition bearing No.**CRM-M-22458 of 2017**.

This Court vide order dated June 21, 2017 had directed the parties to appear before the Chief Judicial Magistrate/Illaqa Magistrate on 04.07.2017 and the Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Garhshankar and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 11.07.2017 to the effect that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion.

The factum of compromise between the parties has not been disputed by learned State counsel.

The joint statement of respondents No.2 to 7, namely, Sanjeev Kumar, Deepak, Ankush Rana, Prince, Ramit @ Ghulla and Rajat recorded before learned Magistrate is being reproduced as under:

“Stated that we have effected a compromise with the petitioners/accused (1) Tilak Raj aged 34 years s/o Sarwan

Ram (2) Sunil Kumar @ Sonu aged 19 years s/o Kamaljit (3) Ram Kumar @ Raj Gujjar aged 29 years s/o Santa Ram all resident of village Mehindwani, Binewal Tehsil P.S. Garhshankar District Hoshiarpur with the intervention of the respectables of the society and the same is without any threat or force or coercion. On the basis of said compromise CRM/M 22458 of 2017 has been filed in the Honourable High Court, in which next date of hearing is 24.7.2017. The parties have effected compromise which has been reduced to writing, the compromise is genuine and without any threat, coercion and undue influence. The copy of the compromise in original was produced in Hon'ble High Court. It is prayed that FIR may kindly be quashed.”

Similarly, in the connected petition i.e. **CRM-M-22457 of 2017**, a joint statement of the respondents No.2 to 4, namely, Tilak Raj, Sunil Kumar @ Sonu and Ram Kumar @ Raj Gujjar recorded by learned Magistrate on 04.07.2017, reads as under:

“Stated that we have effected a compromise with the petitioners (1) Sanjeev Kumar s/o Ramesh Chander (2) Deepak s/o Naresh @ Nishu (3) Ankush Rana s/o Dilbag Singh (4) Prince s/o Dilbag Singh all resident of village Mehindwani, Binewal Tehsil P.S. Garhshankar District Hoshiarpur (5) Ramit @ Ghulla s/o Ravi R/o village Sewan Distt. Hoshiarpur (6) Rajat age 24 years s/o Banti R/o village Kokowal Tehsil Garhshankar with the intervention of the respectables of the society and the same is without any threat or force or coercion. On the basis of said compromise CRM/M 22457 of 2017 has been filed in the Honourable High Court, in which next date of hearing is 24.7.2017. The parties have effected compromise which has been reduced to writing, the compromise is genuine

and without any threat, coercion and undue influence. The copy of the compromise in original was produced in Hon'ble High Court. It is prayed that FIR may kindly be quashed."

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. as well as the cross-version.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, both these petitions are allowed.

Consequently, the F.I.R. No.28 dated 07.03.2017 under Sections 324, 148 and 149 IPC registered at Police Station Garshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom including cross-version recorded in the aforesaid FIR at Police Station Garhshankar vide DDR No.43 dated 07.03.2017 under Sections 341, 324, 323, 506, 148 and 149 IPC are quashed on the basis of compromise dated 15.03.2017 (Annexure P-2).

Photocopy of this order be also placed on the file of other connected case.

July 24, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No