

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-10277-2018

Harpreet Singh and othersPetitioner(s)

Versus

State of Punjab and othersRespondent(s)

(2) CRM-M-10323-2018

Jagdev Singh and othersPetitioner(s)

Versus

State of Punjab and othersRespondent(s)

Date of decision: - 22.05.2018

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Fariad Singh Virk, Advocate
for the petitioners in **CRM-M-10277-2018** and
for respondent No.2 in **CRM-M-10323-2018**.

Mr. Tanvir Joshi, AAG, Punjab
for respondent No.1 in both cases.

Mr. Gurminder Singh Salana, Advocate
for the petitioners in **CRM-M-10323-2018** and
for respondent No.2 in **CRM-M-10277-2018**.

None for remaining respondents.

MAHABIR SINGH SINDHU, J. (ORAL)

As identical facts are involved, therefore, it is just and appropriate to decide the above mentioned petitions, arising out of the same occurrence, by way of common order, in order to avoid the repetition.

2. Initially, in the wake of complaint by Jagdev Singh son of Gurdip Singh-respondent No.2 (for brevity “the complainant in 1st case”), a criminal case was registered against the petitioners-accused (in 1st case), vide FIR No.11 dated 19.02.2017, under Sections 323, 324, 506, 148 and 149 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

3. Likewise, in pursuance of separate statement of complainant Jodha Singh son of Mahinder Singh-respondent No.2 (for short 'the complainant in 2nd case'), a criminal cross-case was also registered against petitioners-accused (in 2nd case), vide DDR No.02 dated 20.02.2017 under Sections 341, 324, 323, 506, 148 and 149 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

4. Heard.

5. While issuing notice of motion in the 1st case, the following order was passed by this Court on 12.03.2018: -

“Notice of motion.

On the asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Gurminder Singh Salana, accepts notice on behalf of respondent No.2. 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 that the matter has been compromised between the parties, vide compromise dated 24.01.2018 (P-2) 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 20.04.2018.

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

6. Similar, order was passed by this Court in CRM-M-10323-2018 (2nd case) on 12.03.2018 and which reads as under:-

“Notice of motion.

On the asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Fariad Singh Virk, accepts notice on behalf of respondent No.2. 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 that the matter has been compromised between the parties, vide compromise dated 24.01.2018 (P-2) 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 DDR.
- ii. Whether any accused is proclaimed offender.
- iii. Whether the compromise is genuine, voluntary and

without any coercion or undue influence.

List on 20.04.2018.

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

7. In terms of orders dated 12.03.2018, learned Chief Judicial Magistrate, Fatehgarh Sahib, recorded the statements of both the parties and submitted a report 20.04.2018 and operative part of the same reads as under: -

“After going through the statements suffered by the parties, this Court is of view that a genuine and valid compromise has been effected between the parties which is without any pressure or undue influence of any manner upon either of the party. The parties have been duly identified by their respective counsel.”

9. A perusal of the above-said report reveals that the compromise entered into between the parties is genuine, without any pressure or undue influence. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

10. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR/DDR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

11. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus, quashing of FIR/DDR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of

justice. Accordingly, the impugned FIR (in 1st case) and DDR (in 2nd case) along with all consequential proceedings resulting therefrom, qua petitioners in both the cases, are hereby quashed.

12. Petitions are allowed.

May 22, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes