

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

1. **Date of decision : 16.03.2018**
CRM-M-16188-2017

Gurdev and others

... Petitioners

Versus

State of Haryana and another

... Respondents

2. **CRM-M-16169-2017**

Sukhwinder Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Ashit Malik, Advocate for the petitioners
in CRM-M-16118-2017 &
for respondents no.2 to 4 in CRM-M-16169-2017.

Mr.Vinod Kanwal, Advocate for the petitioners
in CRM-M-16169-2017 &
for respondent no.2 in CRM-M-16118-2017.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

These are two petitions in which the petitioners seek quashing of the FIR, and the cross case, registered by one side against the other. Quashing is sought on the basis of a compromise reached between the parties, the compromise deed being Annexure P-3 in CRM-M-16188-2017 and Annexure P-4 in CRM-M-16169-2017.

No.291 dated 25.08.2009, registered at Police Station Indri, District Karnal, alleging therein the commission of offences punishable under Sections 323, 324, 341, 34 IPC, whereas the petitioners in CRM-M-16169-2017 seek quashing of DDR no.16, also dated 25.08.2009, registered at the same police station, alleging therein the commission of offences punishable under Sections 323, 324, 506, 34 IPC.

The petitioners in both petitions having already been convicted by the learned trial Court (JMIC, Karnal) vide separate judgments dated 23.03.2015, and having been sentenced to various terms of imprisonment, the maximum being one years' rigorous imprisonment (in the case of each petitioner), for the commission of the offence punishable under Section 324 IPC, both sets of accused are now in appeal before the appellate Court, and in the meanwhile have sought quashing of the two cross cases, on the basis of the compromise reached.

Though all the petitioners already stand convicted, however, learned State counsel, on instructions from ASI Satyawar, submits that there are no other criminal cases seen to be registered against any of them.

Therefore, with the petitioners all stated to be belonging to the same village, and now having compromised the matter with each other, seeing the nature of offences involved, simply in order to maintain harmony and peace in the village and community, I see no reason to not allow these petitions.

Reference in this context can be made to the judgment of the Supreme Court in **Gian Singh v. State of Punjab and another** 2012 (4) **RCR (Criminal) 543** (with specific reference to paragraphs 49 to 54 in the Law Finder Edition).

Consequently, both the petitions are allowed and FIR no.291 dated 25.08.2009, making out therein the commission of offences punishable under Sections 323, 324, 341, 34 IPC, and DDR no.16 dated 25.08.2009, alleging therein the commission of offences punishable under Sections 323, 324, 506, 34 IPC, both registered at Police Station Indri, District Karnal, are hereby quashed, along with all proceedings arising therefrom, including the judgments of conviction and the orders passing sentences of imprisonment in each case.

(AMOL RATTAN SINGH)
JUDGE

March 16, 2018.
Davinder Kumar/dinesh

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No