

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-19573-2017
Ravinder @ Rinu and othersPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

(2) CRM-M-19933-2017
Karnail Singh and othersPetitioner(s)

Versus

State of Punjab and anotherRespondent(s)

Date of decision: -07.02.2018

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinod Kumar, Advocate
for the petitioners in **CRM-M-19573-2017** and
for respondent No.2 in **CRM-M-19933-2017**.

Mr. Parminder Singh, Advocate
for the petitioners in **CRM-M-19933-2017** and
for respondent No.2 in **CRM-M-19573-2017** .

Mr. Amitoj S. Dhaliwal, DAG, Punjab
for respondent No.1 in both cases.

MAHABIR SINGH SINDHU, J. (ORAL)

As identical questions of law and facts are involved,
therefore, it is just and appropriate to decide the above mentioned
petitions, arising out of the same incident/cross-case/FIR, by means of
this common judgment, in order to avoid the repetition.

2. Initially, in the wake of complaint of complainant Karnail Singh son of Khushi Ram-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.36 dated 17.07.2013, under Sections 323, 342, 452, 324 and 148 IPC, registered at Police Station Hajipur, District Hoshiarpur.

3. Likewise, in pursuance of separate statement of complainant Narinder Kaur wife of Amarjit Singh-respondent No.2 (for short 'the complainant in 2nd case'), a criminal cross-case was also registered against petitioners-accused (in 2nd case), under Sections 323, 324 and 148 IPC, recorded in above-said FIR No.36 dated 17.07.2013.

4. Heard.

5. Both the parties were directed by this Court, vide order dated 30.05.2017 as well as order dated 01.06.2017 to appear before the learned Illaqa Magistrate and get their statements recorded and in pursuance thereof, learned Judicial Magistrate 1st Class, Mukerian, recorded the statements of both the parties and submitted a report dated 25.07.2017. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence.

6. It has been pointed out that this Court has recorded on 28.09.2017 (in 1st case) that petitioner No.5-Kawal Singh, has not turned up for getting his statement recorded regarding compromise and accordingly, thereafter he (petitioner No.5) was directed to get recorded his statement before the learned trial Court.

7. In pursuance of order dated 28.09.2017, a report dated 07.10.2017 has been submitted by learned Judicial Magistrate 1st Class, Mukerian, to the effect that statement of petitioner No.5 has been recorded and the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.

8. Having regard to the contentions of learned counsel for the parties and the fact that the occurrence relating to cross fight on both sides have ultimately been settled with the intervention of respectables and the compromise effected between the parties shall give an opportunity to them to live peacefully in future as well, the continuance of the prosecution would be an exercise in futility. Even before this Court also, none of the parties has raised any objection against the quashing of the FIR/cross-case in question.

9. 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/cross-case as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

10. In view of above, the impugned FIR and its cross-version and all consequent proceedings resulting therefrom, qua petitioners only (in both the petitions), are hereby quashed.

11. Petitions are allowed.

(MAHABIR SINGH SINDHU)
JUDGE

February 07, 2018

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Whether reportable?

Yes

Whether reasoned/speaking?

Yes