

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258

Date of decision: 16.01.2018

CRM-M-20707-2017

Varinder Singh and another

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CRM-M-20768-2017

Baljit Singh and others

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Amit Arora, Advocate,
for the petitioners in CRM-M-20707-2017**

**Mr. P.S.Kanwar, Advocate,
for the petitioners in CRM-M-20768-2017**

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab.

**Mr. Sameer S. Tiwari, Advocate,
for respondent No. 2.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two petitions i.e. CRM-M-20707-2017 titled as **Varinder Singh and another vs. **State of Punjab and another** and CRM-M-20768-2017 titled as **Baljit Singh and others** and **State of Punjab and another**.**

On 02.06.2017, when these cases came up for hearing, the following order was passed:-

“ Though these petitions seek quashing of FIR No.19 dated 17.2.2017, registered for the alleged commission of offences punishable under Sections 307, 326, 324, 34 IPC, at Police Station Harike, District Tarn Taran, as also all other subsequent proceedings arising therefrom, and the cross version thereto, bearing DDR no.24 dated 24.2.2017, registered for the alleged commission of offences punishable under Sections 326, 324, 323, 34 IPC, at the same Police Station, on the basis of a compromise arrived at between the parties, (the copies of the compromise deed having been annexed as Annexure P-5 with each petition); however, an offence under Section 307 IPC also having been made out in the FIR, wherein the allegation is that the petitioners attacked the complainant with their weapons and inflicted seven blows upon his neck, back, stomach and shoulders, learned counsel for the parties would be required to address arguments on the permissibility of quashing such an FIR in terms of the judgment of the Hon’ble Supreme Court in Narinder Singh and others v. State of Punjab and another, 2014 (2) RCR (Criminal) 482, on the next date of hearing.

Notice of motion, returnable on 20.7.2017.

In the meanwhile, the petitioners, as also respondent no.2 in both the petitions would appear before the learned Area Magistrate on 5.7.2017 to record their statements. The Area Magistrate would satisfy herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and

would thereafter send her/his report to this Court, before the next date of hearing.

The learned Area Magistrate would also verify whether there is any other person involved in the occurrence, who is not a party to the present petitions and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR and its cross version, as are sought to be quashed, can be so quashed.

A photocopy of this order be placed on the file of the connected case.”

In pursuance to the said order, the parties appeared before the Judicial Magistrate Ist Class, Patti and got recorded their statements. Counsel for the parties state that all the parties to the FIR and the cross version, have given their respective statements before the Court below and have admitted a compromise, which has been entered into between them. The Learned Judicial Magistrate, Ist Class, Patti has also submitted his report in compliance with the order passed by this Court on 02.06.2017, according to which, the Court is satisfied with the matter having been genuinely compromised between the parties without being influenced by any outside forces. There is no coercion, undue influence or pressure of any sort and the compromise is on the sweet will of the parties. These petitions being covered by the ratio of judgment passed in **Narinder Singh and others vs. State of Punjab and another**, 2014 (2) RCR (Criminal) 482, deserve to be allowed keeping in view the observations of the Hon'ble Supreme Court in the said judgment.

In view of the above, these petitions are allowed. FIR No. 19

dated 17.02.2017 under Sections 307/326/324/34 IPC registered at Police Station Harike, District Tarn Taran and all consequential proceedings arising therefrom and Rapat No. 24 dated 24.02.2017 under Sections 326/324/323/34 IPC, Police Station Harike, District Tarn Taran and all subsequent proceedings arising therefrom are hereby quashed.

January 16, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No