

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

263/A

Date of decision: 17.01.2018

CRM-M-30948-2017

Puran Chand and others

...PETITIONERS

VERSUS

State of Punjab and others

....RESPONDENTS

CRM-M-30946-2017

Krishan Lal and others

...PETITIONERS

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Karandeep S. Sidhu, Advocate,
for the petitioners in CRM-M-30948-2017,
for respondents No. 2 to 4 in CRM-30946-2017.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State-respondent No. 1.

Mr. Sonpreet S. Brar, Advocate,
for the petitioners in CRM-M-30946-2017,
for respondents No. 2 to 4 in CRM-30948-2017.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two petitions i.e. CRM-M-30948-2017 titled as **Puran Chand and others vs. State of Punjab and others** and CRM-M-30946-2017 titled as **Krishan Lal and others vs. State of Punjab and others**.

Petitioners have approached this Court for quashing of FIR No.

114 dated 25.06.2015 under Sections 324/323/148/149 IPC Section 326 IPC

added later on) registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom in the light of the compromise by way of affidavit dated 29.07.2017 (Annexure P-3) whereas in Crl. Misc. No. 30946 of 2017, prayer is for quashing of cross version of the FIR, which stands recorded at Rapat No. 32 dated 25.06.2015, under Sections 324/323/148/149 IPC (Section 326 IPC added later on) registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom in the light of the compromise referred to above.

When the case came up for hearing before this Court, counsel for respondents No. 2 to 4, who was counsel for the petitioners in the connected case, had put in appearance and had acknowledged the fact that there is a compromise between the parties, on the basis of which, a direction was issued at the request made by the counsel for the parties for appearance of the parties before the Ilqa Magistrate, Police Station Guruharsahai, District Ferozepur and for recording of the statements of the parties. Ilqa Magistrate was also called upon to submit his report indicating with regard to the fact of genuineness of the compromise as also a report as to whether any of the accused was a proclaimed offender.

In pursuance to the order passed by this Court on 25.08.2017, the reports have been submitted by the Sub-Divisional Judicial Magistrate, Guruharsahai, dated 01.09.2017. As per the said reports, the parties appeared before the Magistrate and have got recorded their statement, in which they have acknowledged the fact of the compromise entered into between them and have also stated that the compromise has been effected between the parties on the basis of intervention of the respectables and co-

villagers out of sweet will and without any coercion, undue influence or pressure. They intent to live peacefully with harmony as they are co-villagers. The Court has further submitted that the compromise has been entered into voluntarily by the parties without having any grudge against each other. It has further been stated that none of the accused is a proclaimed offender.

Counsel for the parties, on the basis of the above reports and the compromise which has been entered into between the parties which is duly supported by the affidavit dated 29.07.2017, state that the FIR as well as the cross version thereof registered at Police Station Guruharsahai District Ferozepur be quashed along with all consequential proceedings arising therefrom.

Having considered the submissions of the counsel for the parties and keeping in view the report of the Sub-Divisional Judicial Magistrate, Guruharsahai, District Ferozepur, this Court is also satisfied that the compromise, which has been entered into between the parties, is genuine and since the intent of the compromise is to bring about harmony, peace and security between the co-villagers and that too, with the intervention of the respectables of the village, the continuation of the proceedings initiated on the basis of FIR as also the cross version would be a futile exercise by approaching the Court time and again resulting in wastage of the time thereof.

Keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, these

petitions are allowed. FIR No. 114 dated 25.06.2015 under Sections 324/323/148/149 IPC (Section 326 IPC added later on) registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom and Rapat No. 32 dated 25.06.2015, under Sections 324/323/148/149 IPC (Section 326 IPC added later on) registered at Police Station Guruharsahai, District Ferozepur and all consequential proceedings arising therefrom are hereby quashed.

January 17, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No