

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. Criminal Misc. No.M- 417 of 2018(O&M)
Date of Decision: April 17 , 2018.

Bhajan Singh and others PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

2. Criminal Misc. No. M- 426 of 2018(O&M).

Gurmeet Singh and others PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. L.S.Sidhu, Advocate
for the petitioners.
for respondents No.2 and 3 in CRM No.M-426 of 2018.

Mr. D.S.Sidhu, Advocate
for respondents No.2 to 4.
for the petitioners in CRM No.M-426 of 2018.

Mr. Sukhbir Singh, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-417 of 2018 (Bhajan Singh

and others v. State of Punjab and others) and CRM No.M-426 of 2018 (Gurmeet Singh and others v. State of Punjab and others))

The petitioners in CRM No.M-417 of 2018, namely, Bhajan Singh, Balvir Singh, Jaspal Kaur @ Jassi, Anoop Singh @ Laadi, Tasvir Singh, Gurpal Singh, Satwinder Kaur, Bagga Singh @ Dilbag Singh and Sarabjit Kaur pray for quashing of FIR No.79 dated 25.04.2017, under Sections 354/323/325/148/149 IPC, registered at Police Station Dharamkot, District Moga and the petitioners in CRM No.M-426 of 2018, namely, Gurmeet Singh, Simran Kaur @ Simranjeet Kaur, Preeto, Makhan Singh, Sheelo, Binder Singh @ Balwinder Singh, Mangal Singh and Bohar Singh pray for quashing of cross-version registered on the statement of Gurpal Singh son of Gurbachan Singh under Sections 354/323/148/149 IPC in the abovesaid FIR alongwith all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the parties submit that the abovesaid FIR as well as the cross-version were registered on account of certain misunderstandings between the parties which have since been removed with the intervention of respectables of the area. The parties belong to the same village and in order to maintain peace and harmony a compromise was arrived at between the parties, the terms of which were reduced into writing on 26.12.2017 (Annexure P3 with CRM No.M-417 of 2018). None of them seek to pursue the matter against each other.

This Court vide orders dated 09.01.2018 passed separately in both the abovenoted petitions directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-

mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to orders dated 09.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Moga and their statements were recorded on 29.01.2018. The complainant/respondent No.2 – Gurmeet Singh in CRM No.M-417 of 2018 as well as the affected/injured persons i.e., respondent No.3 – Sheelo Bai and respondent No.4 – Bohar Singh in their separate statements specifically stated that the matter has been amicably resolved by them with all the accused petitioners out of their own free will without any threat, pressure or coercion and they do not wish to proceed against any of the accused persons. It is further stated that they have no objection in case the abovesaid FIR against the accused petitioners is quashed. Separate statements of all the petitioners in CRM No.M-417 of 2018 in respect to the settlement were recorded as well.

The complainant/respondent No.2 – Guralp Singh in CRM No.M-426 of 2018 (on whose statement the cross-version was recorded) as well as the injured/affected person i.e., respondent No.3 – Satwinder Kaur specifically stated that they have compromised the matter with all the accused petitioners in the cross-version out of their free will without any threat, pressure or coercion and especially in the interest of good relations and harmony between the parties. They

specifically stated that there is no objection in case the aforementioned cross-version against all the accused petitioners is quashed. Separate statements of the petitioners in CRM No.M-426 of 2018 were recorded as well.

As per the separate reports dated 08.02.2018 received from the learned Judicial Magistrate First Class, Moga in both the cases, satisfaction is expressed that the compromise arrived at between the parties is voluntary without any pressure or coercion. None of the petitioners in both the cases are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said reports.

Learned counsel for parties reiterate that their respective clients do not wish to proceed with the matter against each other and have no objection to the quashing of the abovementioned FIR as well as the cross-version.

Learned counsel for the State has no serious objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as well as the cross-version

as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

Both these petitions are, thus, allowed. FIR No.79 dated 25.04.2017 under Sections 354/323/325/148/149 IPC registered at Police Station Dharamkot, District Moga as well as the cross-version registered on the statement of Gurpal Singh son of Gurbachan Singh under Sections 354/323/148/149 IPC in the abovesaid FIR alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

April 17 , 2018.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No