

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

255/2

Date of decision: 12.03.2018

CRM-M-43811-2016

Angrej Singh and others

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CRM-M-43701-2016

Sujan Singh and others

...PETITIONERS

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioners in CRM-M-43811-2016,
for respondent No. 2 in CRM-43701-2016.

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

Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioners in CRM-M-43701-2016.

Mr. Sandeep Godara, Advocate,
for respondent No. 2 in CRM-M-43811-2016.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two petitions i.e. CRM-M-43811-2016 titled as **Angrej Singh and others vs. State of Punjab and another** and CRM-M-43701-2016 titled as **Sujan Singh and others vs. State of Punjab and another.**

In CRM-M-43811 of 2016, prayer is for quashing of FIR No.

220 dated 12.09.2016 under Sections 325, 148, 149 IPC registered at Police Station Chheharta, District Amritsar and all consequential proceedings arising therefrom in the light of the compromise dated 10.10.2016 (Annexure P-2) whereas in CRM-M-43701 of 2016, prayer is for quashing of cross version of the FIR, which stands recorded at General Dairy No. 68 dated 12.09.2016 under Sections 323, 341, 506, 148, 149 IPC registered at Police Station Chherretta, District Amritsar and all consequential proceedings arising therefrom on the basis of the compromise, referred to above, copy whereof has been appended as Annexure P-3 in this case.

These cases came up for hearing on 07.12.2016 and 22.12.2016, when following orders were passed:-

Order dated 07.12.2016

“ Notice of motion.

At this stage, Mr. Sandeep Godara, Advocate, has appeared and filed Power of Attorney on behalf of respondent No.2. On the asking of the Court, Ms. Shivali, AAG, Punjab, has accepted notice on behalf of respondent(s)-State. Copies of the paper book along with documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 16.12.2016 and to get recorded their statements regarding compromise and after

recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.20.01.2017.

A copy of this order be sent to learned trial Court, through fax, for compliance.

To be heard along with *Criminal Misc. No. M-43701 of 2016.*”

Order dated 22.12.2016

“ On 07.12.2016, this Court had directed the parties to appear before the Ld. trial Court on 16.12.2016 for getting their statements recorded regarding compromise.

It has now been made out that respondent No.2/complainant fell ill that day, on account of which the Ld. trial Court declined to fix another date although a specific direction for recording statements had already been given by this Court.

In the given circumstances, the application is allowed and the parties are directed now to appear before the Ld. trial Court on 11.01.2017 for recording of their statements.

List on the date already fixed i.e. 20.01.2017, for awaiting report from the Ld. trial Court.”

In compliance with the above orders, the parties appeared before the JMIC, Amritsar on 11.01.2017 and got recorded their statements. On the basis of the statements given by the parties, learned JMIC, Amritsar had concluded that the compromise, which has been entered into between

the parties, is genuine and valid and outcome of free consent of the parties and is without coercion from any quarter. The Court had further stated that Harpal Singh and Gian Singh, who are petitioners No. 6 and 7 in CRM-M-43701 of 2016, had not appeared before the Court nor had Satbir Singh, who is petitioner No. 4 in CRM-M-43811 of 2016, appeared for getting their statements recorded.

Learned counsel for respondent No.2-complainant states that the complainant has no objection in case the FIR is quashed qua all the petitioners in CRM-M- 43811 of 2016 and similarly, counsel for respondent No. 2-complainant in CRM-M-43701 of 2016 states that the said complainant has no objection in case General Dairy No. 68 is quashed in the light of the compromise, which has been entered into between the parties and has been found to be genuine.

Keeping in view the fact that the matter has been amicably settled and the parties have no grudge, as of now, against each other as they live in the same locality, it would be in the interest of parties that the matter should come to an end so that they can live peacefully without any grudge against each other.

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 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, these petitions are allowed. FIR No. 220 dated 12.09.2016 under Sections 325, 148, 149 IPC registered at Police Station Chheharta,

District Amritsar and all consequential proceedings arising therefrom and cross version of the FIR, which stands recorded at General Dairy No. 68 dated 12.09.2016 under Sections 323, 341, 506, 148, 149 IPC registered at Police Station Chherretta, District Amritsar and all consequential proceedings arising therefrom are hereby quashed.

March 12, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No