

(1)

CRM-M-45613-2016 &
CRM-M-1653-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 18th January, 2018

CRM-M-45613-2016

Abhishek Gupta @ Abhi & another

...Petitioners

Versus

State of Punjab & others

...Respondents

(2)

CRM-M-1653-2017

Parshotam Lal & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sushil Saini, Advocate
for the petitioners in CRM-M-45613-2016 &
for respondents No.2 and 3 in CRM-M-1653-2017.

Ms. Rajpal Kaur, Advocate
for the petitioners in CRM-M-1653-2017 &
for respondents No.2 to 4 in CRM-M-45613-2016.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-M-45613-2016, titled as 'Abhishek Gupta @Abhi & others Vs. State of Punjab & others', has been filed under Section 482 Cr.P.C. for quashing of FIR No.40 dated 23.09.2016, under Sections 325, 323, 341, 148 and 149 of the Indian Penal Code, registered at Police Station Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 24.10.2016

CRM-M-45613-2016 &
CRM-M-1653-2017

(Annexure P-3) entered into between the parties. Another petition i.e. CRM-M-1653-2017, titled as 'Parshotam Lal & others Vs. State of Punjab & others', has been filed under Section 482 Cr.P.C. for quashing of cross-version recorded vide DDR No.38 dated 27.09.2016 (Annexure P-2) in FIR No.40 dated 23.09.2016 aforesaid and all subsequent proceedings arising therefrom on the basis of above referred to compromise.

The cases came up for hearing on 23.02.2017 when on issuing notice in both petitions, parties have put in appearance and stated that a compromise dated 24.10.2016 (Annexure P-3) has been entered into between them. On the basis of the said assertion, this Court had directed the parties to appear before the Illaqa Magistrate/concerned Court, Police Station Qadian, Tehsil Batala, District Gurdaspur, to get their statements recorded. Learned Magistrate was directed to submit its report with regard to its satisfaction of the fact that whether the compromise has been entered into between the parties voluntary or not. It was also required to intimate as to whether any of the parties has been declared as proclaimed offender or not.

In pursuance to the said orders, parties had appeared before the Judicial Magistrate First Class, Batala, who, after recording the statements of the petitioners in CRM-M-45613-2016, who are accused in FIR No.40 dated 23.09.2016 and the petitioners in CRM-M-1653-2017, who are accused in cross-version DDR No.38 dated 27.09.2016, acknowledged the fact that the compromise arrived at between the parties is with their consent and the same is without any pressure, coercion or undue influence. It has

(3)

CRM-M-45613-2016 &
CRM-M-1653-2017

also been stated that no person has been declared as proclaimed offender either in the FIR case or in the DDR case.

In the light of the fact that there is a compromise entered into between the parties and since both the parties are residents of the same village being co-villagers and the other respected persons of the village have helped the parties to come together in burying the differences between them, which should be encouraged, it would lead to amicably settle the dispute between the parties reducing heart burning between the co-villagers. In such circumstances and keeping in view the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, these petitions are allowed. FIR No.40 dated 23.09.2016, under Sections 325, 323, 341, 148 and 149 of the Indian Penal Code, registered at Police Station Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom and DDR No.38 dated 27.09.2016 (Annexure P-2) in FIR No.40 dated 23.09.2016 aforesaid and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

18th January, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No