

(1)

CRM-M-9622-2017 &
CRM-M-17336-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 9th March, 2018

CRM-M-9622-2017

Balwinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(2)

CRM-M-17336-2017

Manjinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kuldeep Singh Saini, Advocate
for the petitioners in both the petitions.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Amandeep Singh Saini, Advocate
for respondents No.2 and 3 in both the petitions.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two petitions filed under Section 482 Cr.P.C., i.e. CRM-M-9622-2017, titled as 'Balwinder Singh & others Vs. State of Punjab & others' and CRM-M-17336-2017, titled as 'Manjinder Singh Vs. State of Punjab & others', preferred by the petitioners for quashing of FIR No.151 dated 31.12.2016, under Sections 452, 323, 147, 149 and 506 of the Indian Penal Code (hereinafter referred to

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as 'IPC'), registered at Police Station Anandpur Sahib, Tehsil Anandpur Sahib, District Ropar, (Annexure P-1 in both petitions) and all subsequent proceedings arising therefrom, in the light of compromise dated 10.03.2017 (Annexure P-2 in both petitions) entered into between the petitioners and respondents No.2 and 3.

CRM-M-9622-2017, titled as 'Balwinder Singh & others Vs. State of Punjab & others' came up for hearing before this Court on 22.03.2017, when following order was passed:-

“Notice of motion.

At this stage, Mr. Anmol Singh Sandhu, Advocate, has appeared and filed memo of appearance on behalf of respondent Nos.2 and 3. On the asking of the Court, Mr. Deep Singh, AAG, Punjab, has accepted notice on behalf of respondent(s)-State. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent Nos.2 and 3 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 03.04.2017 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. 20.04.2017

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

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CRM-M-17336-2017, titled as 'Manjinder Singh Vs. State of Punjab & others' came up for hearing before this Court on 17.05.2017, when following order was passed:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 24.07.2017.

To be heard along with CRM-M No.9622 of 2017.

Mr. Amandeep Singh Saini, Advocate appears on behalf of respondent Nos.2 and 3.

In the meanwhile, parties are directed to appear before the trial Court on 26.05.2017 and the trial Court, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

In compliance with the above referred two orders, parties appeared before the Sub Divisional Judicial Magistrate, Anandpur Sahib and got recorded their respective statements supporting the factum of compromise. On the basis of the statements of the parties, a report has been submitted by the Sub Divisional Judicial Magistrate, Anandpur Sahib, wherein, it has been concluded that the compromise has been entered into with the intervention of the respectables of the village and the family members of the parties voluntarily, out of their own free will, without any undue influence or pressure from any side. There is no coercion upon the parties and the compromise is not effected under any fear or apprehension. This indicates that the compromise which has been entered into between the

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parties dated 10.03.2017 (Annexure P-2) is genuine.

Counsel for the petitioners as also counsel for respondents No.2 and 3 state that the dispute was primarily between two cousin brothers and the families were involved in the same which has been amicably settled with the intervention of the respectable of the village, therefore, the complainant is not interested in further pursuing with the FIR, which was registered on his behest. Even respondent No.3, who was an injured, has also signed the compromise and has no objection to the quashing of the FIR. Counsel, therefore, pray that these petitions may be allowed and the FIR in question along with subsequent proceedings arising therefrom be quashed.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the dispute was between a family rather two cousin brothers, it would be in the interest of justice for the amicable end and well-being of the families, the matter is put to an end. No useful purpose would be served by further allowing the proceedings to continue at the behest of the complainant of the FIR when he is not interested to pursue the FIR further.

Keeping in view the factum of compromise having been entered into between the parties, which has been found to be genuine as per the report of the Sub Divisional Judicial Magistrate, Anandpur Sahib and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh &***

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others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482 as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, both these petitions are allowed. FIR No.151 dated 31.12.2016, under Sections 452, 323, 147, 149 and 506 of the Indian Penal Code, registered at Police Station Anandpur Sahib, Tehsil Anandpur Sahib, District Ropar, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

9th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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