

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-7003-2018
Sucha Singh and othersPetitioners
Versus
State of Punjab and othersRespondents
(2) CRM-M-7050-2018
Amrik Singh and othersPetitioners
Versus
State of Punjab and othersRespondents

Date of decision: -19.03.2018

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Baath, Advocate
for the petitioner in **CRM-M-7003 of 2018** and
for respondents No.2 and 3 in **CRM-M-7050 of 2018**.

Mr. Satnam Singh Gill, Advocate
for the petitioners in **CRM-M-7050 of 2018** and
for respondents No.2 to 4 in **CRM-M-7003-2018**.

Mr. Tanvir Joshi, AAG, Punjab
for respondent No.1 in both cases.

MAHABIR SINGH SINDHU, J. (ORAL)

As identical questions of law and facts are involved,
therefore, I propose to decide above indicated petitions, arising out of the
same incident/cross-case/FIR, by means of this common order, in order to

avoid the repetition.

2. Initially, in the wake of complaint of complainant Amrik Singh s/o Balkar Singh-respondent No.2 (for brevity “the complainant in 1st case”), a criminal case was registered against the petitioners-accused (in 1st case), vide FIR No.0007 dated 14.01.2018, under Sections 323, 324, 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Dhariwal, District Gurdaspur.

3. Likewise, in pursuance of separate statement of complainant Gurwant Singh s/o Sucha Singh-respondent No.2 (for short 'the complainant in 2nd case'), a criminal cross-case was also registered against petitioners-accused (in 2nd case), vide DDR No.34 dated 14.01.2018, under Sections 323, 324 and 34 of IPC recorded in above-said FIR No.0007 dated 14.01.2018.

4. Both the petitions have been filed for quashing of the FIR as well as DDR mentioned above on the basis of compromise entered into both the parties.

5. Heard learned counsel for the parties and perused the paper book.

6. Both the parties were directed by this Court vide orders dated 19.02.2018 to appear before the learned Illaqa Magistrate and get their statements recorded and in pursuance thereof, learned Chief Judicial Magistrate, Gurdaspur recorded the statements of both the parties and submitted a report dated 14.03.2018 (In CRM-M-7003 of 2018) and operative part of the same reads as under:

'It is submitted that petitioner No.1 Sucha Singh, petitioner No.2 Gurwant Singh, petitioner No.3 Jinder @ Harjinder Singh, petitioner No.4 Raman @ Harmanjot Singh, respondent No.2 Amrik Singh, respondent No.3 Hardeep Singh and respondent No.4 Harjit Kaur have appeared and made statement on 05.03.2018. They were asked to show their identity cards and photocopies of the same were taken on record. (attested copies of statements and identity cards attached herewith).

(i) It is further submitted that as per report of Criminal Ahlmad, there are four persons arrayed as accused in FIR;

(ii) It is further submitted that as per report of Criminal Ahlmad, no accused has been declared as P.O. In this case,

(iii) It is further submitted that as all the parties have appeared for recording their statements, therefore, it appears that compromise is genuine, voluntary and without any coercion or undue influence.'

Report dated 14.03.2018 of learned Chief Judicial Magistrate, Gurdaspur in CRM-M-7050 of 2018 has been received and relevant part is reads as under:

' it is submitted that petitioner No.1 Amrik Singh, petitioner No.2. Hardeep Singh, petitioner No.3 Harjit Kaur, petitioner No.4 Karanpreet Singh, respondent No.2 Gurwant Singh and respondent No.3 Sucha Singh have appeared and made

statement on 05.03.2018. They were asked to show their identity cards and photocopies of the same were taken on record. (attested copies of statements and identity cards attached herewith).

(i) It is further submitted that as per report of Criminal Ahlmad, there are three persons arrayed as accused in DDR;

(ii) It is further submitted that as per report of Criminal Ahlmad, no accused has been declared as P.O. in this case,

(iii) It is further submitted that as all the parties have appeared for recording their statements, therefore, it appears that compromise is genuine, voluntary and without any coercion or undue influence.'

A perusal of the reports reveal that the compromise entered into between the parties is voluntary and without any fear, coercion, inducement or threat. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

7. No objection has been raised by the learned State counsel and learned counsel for respondent No.2 on a specific query put to them by the Court with regard to quashing of the FIR as well as DDR mentioned above along with all other consequential proceedings on the basis of the compromise effected between the parties in this case.

8. Having regard to the contentions of learned counsel for the parties and the fact that the occurrence relating to cross fight on both sides, who have ultimately settled their disputes with the intervention and the compromise shall give an opportunity to them to live peacefully in future as well. Hence, it would be in the interest and justice that parties are allowed to compromise the matter as continuance of the prosecution would be an exercise in futility. It is agreed by both the parties that injuries were not on the vital part of the body. Even before this Court also, none of the parties has raised any objection against the quashing of the FIR/cross-case in question.

9. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and did not affect any public peace or tranquillity and thus quashing of FIR and its cross-version and all consequent proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the aforesaid FIR and its cross-version and all consequential proceedings resulting therefrom are quashed qua petitioner(s).

10. Petitions are allowed.

**(MAHABIR SINGH SINDHU)
JUDGE**

19.03.2018
rashmi

Whether reportable?

Yes / No

Whether reasoned/speaking?

Yes / No