

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

Decided on: 10.05.2019.

(1)

CRM-M-1316-2019 (O&M).

Nirmal Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

(2)

CRM-M-658-2019 (O&M).

Parkash Chand and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

**PRESENT Mr.Baldev Singh Dhillon, Advocate,
for the petitioners in CRM-M-1316-2019 and
for respondent Nos.2 to 4 in CRM-M-658-2019.**

**Mr.Manish Bansal, D.A.G. Haryana, assisted by
SI Baljinder Singh.**

**Mr.J.S.Saneta, Advocate,
for the petitioners in CRM-M-658-2019 and
for respondent Nos.2 to 4 in CRM-M-1316-2019.**

MAHABIR SINGH SINDHU, J. (ORAL)

This order will dispose off the above mentioned two petitions filed by the petitioners under Section 482 of the Code of Criminal Procedure (Cr.P.C.) seeking quashing of FIR No.13 dated 12.1.2010, registered under Sections 323, 324, 325, 326 and 34 of the Indian Penal Code (for short 'the IPC') at Police Station Pehowa, District Kurukshetra, (**Annexure P1 in CRM-M-1316-2019**) as well as cross-version (**Annexure P1 in CRM-M-658-2019**) registered under Section 323 and 325 IPC in above said FIR as well as all the consequential proceedings arising therefrom on the basis of compromise dated 4.8.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent Nos.2 to 4.

Brief facts of the case are that on 10.1.2010, after taking opinion of doctor regarding fitness of injured Parkash Chand son of Sunder Ram, Caste Saini, his statement was recorded on the basis of which FIR was registered. Statement of complainant is as under: -

“I am the resident of above said address and used to do agriculture work. On dated 10.1.2010, at about 4:30 PM, I and my wife Dayawanti were fitting water pipe in the street out of our house. My younger brother Nirmal Singh and my brother Gian Chand and Saneep son of Gian Chand being having grudge not to let the water discharged in the street came present in the street with their weapons. Nirmal Singh and Gian Chand were armed with gandas and Sandeep son of Gian Chand was armed with lathi. Nirmal Singh raised Lalkara that we will teach a lesson to you for

discharging water in our street and gave a blow of his gandasi straightway on my left leg and Gian Chand has given his gandasi blow on my head due to which I have received injuries on my head and leg. My wife Dayawanti tried to escape me, then my brothers have given gandasi blows to her also and my nephew Sandeep has also given his danda blows to me and my wife. After hearing our noise, my son Gurpej and Baldev son of Sher Singh caste Saini came on the spot, after seeing them all have run away from the spot with their weapons. Thereafter, villagers have got admitted us in CHC Pehowa and thereafter in L.N.J.P. Hospital, Kurukshetra and since that time I am in Hospital.”

Similarly, on the basis of statement of Nirmal Singh son of Sunder Singh, Caste Saini, resident of Harigarh Bhorakh, on 16.1.2010, a cross-version was recorded.

This Court on 7.2.2019, in CRM-M-1316-2019, passed the following order:-

“Learned counsel for both the parties jointly stated that the matter has been compromised between the parties and they are ready to get their statements recorded before the learned trial Court.

Parties are directed to appear before the Court of learned Illaqa Magistrate/trial Court on 20.02.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if

any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 06.03.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

On 7.2.2019, a similar order was passed in CRM-M-658-2019 i.e. the petition for quashing of cross-version.

In pursuance to the above order, report of the learned Sub Divisional Judicial Magistrate, Pehowa, in both the petitions has been received

and the relevant part of the same reads as under: -

- (i) Statements of the parties are bona fide because they have stated before the Court that they have not suffered these under any pressure, coercion etc.*
- (ii) The compromise effected between the parties is genuine and valid.*
- (iii) All the accused, complainant and injured are party to the compromise.*
- (iv) As per record and the statements of the parties, no other case is pending against them.*
- (v) As per record and the statements of parties, they have not been declared a proclaimed offender by the Court.*

A perusal of the reports reveal that the matter has been compromised between the parties with their free consent and no one has been declared a proclaimed offender in this case. The report also mentions that there is no other case pending against the petitioners.

Learned State counsel, on instructions from SI Baljinder Singh, states that they have no objection in case the above said FIR and the cross-version recorded in the said FIR as well as all the consequential proceedings arising therefrom are set aside on the basis of compromise.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question as well as cross-version along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, both the petitions are

allowed and the aforesaid FIR as well as the cross-version along with all the consequential proceedings resulting therefrom are quashed qua the petitioners.

May 10, 2019
raj arora

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>Yes</i>