

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

CRM-M No.4704 of 2019
Date of Decision: 19.08.2019

Kulwinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. A.S. Manaise, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab
for respondent No.1/State.

Mr. Parminder Singh, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under section 482 Cr.P.C. for quashing of cross-version recorded vide DDR No. 19 dated 08.02.2015 under Sections 326, 323, 324 and 34 of the Indian Penal Code, registered at Police Station Kahnuwan, District Gurdaspur (**Annexure P-1**) alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 19.01.2019 (**Annexure P-3**) arrived at between the parties.

As per the allegations in the DDR, on 08.02.2015 at about 10:30/11:00 a.m. the complainant alongwith her aunt namely, Surjit Kumari

went to her Haveli, where petitioner No.2 was planting saplings of poplar tree alongwith the wall of the plot. Petitioner No.1 armed with datar was standing there. Complainant-respondent No.2 asked petitioner No.2 not to plant the trees, upon which she replied who are you to stop me and then petitioner No.2 gave stick blow on the nose of the complainant-respondent No.2 and then petitioner No.2 called petitioner No.1, who gave datar blow on the left leg of the complainant-respondent No.2. Thereafter, the complainant-respondent No.2 raised hue and cry. On hearing, her aunt-Surjit Kumari came and saved her and then the accused persons went away from the spot after giving abuses.

Heard both the sides and perused the paper-book.

On 13.02.2019, in both the cases the following order was passed by this Court:

“It is jointly stated by learned Counsel for the parties that the matter has been compromised.

In view of above, let the parties 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.

(vi). whether any of the petitioner(s) is/are previous convict or not?.

List before this Court on **12.03.2019** 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 strict compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Gurdaspur and submitted a report dated 05.03.2019. The operative part of the same reads as under:-

'Thus, from the statements of complainant/respondents/injured and petitioners/accused, this Court comes to the conclusion that compromise has been effected inter-se between the parties appearing in the Court and they have entered into the compromise without any pressure.”

A perusal of the report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

On instructions from ASI Tarlok Chand, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the DDR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. CRM-M-3874 of 2019 for quashing of FIR No. 8 dated 08.02.2015, under Sections 326, 323, 324 and 34 of the Indian Penal Code registered at Police Station Kahnuwan, District Gurdaspur filed by respondent No.2 alongwith other two co-accused has been

allowed by separate order of even date.

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 tranquility. Thus, quashing of DDR No.19 dated 08.02.2015 along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid DDR alongwith all consequential proceedings resulting therefrom are quashed qua the petitioners.

August 19, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>