

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

**CRM-M No.44991-2017
Date of Decision: 10.12.2019**

HARPAL SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Maurya, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. C.K. Jha, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of General Diary No.002 dated 28.05.2017 (**Annexure P-2**), under Sections 324, 341, 323, 148 and 149 of the Indian Penal Code in FIR No. 85 dated 28.05.2017, under Sections 324, 323, 148 and 149 IPC registered at Police Station Bhawanigarh, District Sangrur(P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 03.07.2017 (**Annexure P-3**) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

The above noted DDR had been registered with the allegation that the dispute is regarding the ancestral property with the petitioners. Respondent

No.2 stated that his father had seven brothers out of them two died, with one of his uncle, namely, Sukhdev Singh talk was going on in the Panchayat for measurement of land so that land should be divided equally. But few days ago petitioners No. 1 and 2 got sale deed registered without consideration from his uncle Sukhdev Singh. Since the talk was already pending before the Panchayat regarding the property of Sukhdev Singh, complainant-respondent No.2 objected the act of petitioners No. 1 and 2, after that they started threatening respondents no. 2 and 3. On 28.05.2017 at about 11:30 a.m, respondent no.2 alongwith his uncle's son, namely Ajit Singh on the way on tractor for cultivation of their fields, petitioner No.1 armed with gandasa; petitioner No.2 armed with Takua encircled the complainant-respondent No.2 and Ajit Singh, then petitioner No.1 gave gandasa blow on the left shoulder of respondent No.2; petitioner No.3 gave soti blow from back side of the complainant-respondent No.2, resultantly he fell down. On this petitioner No.4 gave kick blow in the stomach of respondent No.2-complainant and petitioner No.2 gave Takua blow on the right wrist of Ajit Singh and one blow on his left shoulder and petitioner No.4 gave soti blow on the head of Ajit Singh. Petitioners No. 5 and 6 caught hold respondent No.3 and gave kick blow on her back and stomach then petitioner no.6 gave fist blow on the left eye of respondent No.3. Hence, the present DDR.

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

On 09.01.2019, this Court has passed the following order:-

“Learned counsel for the petitioners seeks some more time to do the needful in terms of the order dated 04.10.2018.

Permitted to do so.

Parties are directed to appear before learned trial Court on 24.01.2019 for recording their statements, in terms of order

dated 04.10.2018 and learned trial Court is requested to submit its report to this Court on or before 07.02.2019”

In terms of above order, the statements of the parties were recorded by learned Additional Chief Judicial Magistrate, Sangrur and submitted a report dated 01.02.2019. The operative part of the same reads as under:-

'The compromise as per statements of complainants and accused has been arrived at voluntarily and without any pressure or coercion between them.'

A perusal of the aforesaid 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 and no one has been declared as proclaimed offender in this case.

It is contended by learned counsel for the petitioners that FIR No. 85 dated 28.05.2017 under sections 324, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Bhawanigarh, District Sangrur stands quashed by this Court vide order dated 04.10.2018 in CRM-M-33584-2017.

On instructions from HC Rahul Kumar, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present DDR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present DDR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility. Thus, quashing of DDR in question 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 along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

December 10, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

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