

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

Date of Decision : 26.03.2019

C.R.M-M No.47572 of 2018 (O&M)

Gursimranjit Singh & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

C.R.M-M No.47527 of 2018 (O&M)

Karamjit Singh & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Karanvir Singh Sandhu, Advocate
for the petitioners in CRM-M No.47572 of 2018
for respondents No.2 to 4 in CRM-M No.47527 of 2018

Mr. Joginder Pal Devgan, Advocate
for the petitioners in CRM-M No.47527 of 2018
for the private respondents in CRM-M No.47572 of 2018

Mr. Ramandeep Sandhu, Sr. DAG Punjab

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two petitions.

Since common questions of law and facts are involved therein, they are
being decided by this common order.

CRM-M-47572 of 2018 has been filed under Section 482 Cr.P.C. for quashing of DDR No.21 dated 25.06.2014 under Section 452/326/323/34 IPC at Police Station Khalra, District Tarn Taran registered against the petitioners at the instance of respondent No.2 as a cross version case in case FIR No.48 dated 24.06.2014 under Sections 326/452/323/148/149 IPC at Police Station Khalra, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

And **CRM-M-47527 of 2018** has been filed under Section 482 Cr.P.C. for quashing of FIR No.48 dated 24.06.2014 under Sections 326/452/323/148/149 IPC at Police Station Khalra, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 26.10.2019 the following order was passed in **CRM-M-47572-2018** :-

“Prayer in this petition is for quashing of the DDR recorded in the FIR along with all consequential proceedings arising therefrom on the basis of compromise between the parties.

Notice of motion for 16.01.2019.

*At this stage, Mr. Joginder Pal Devgan, Advocate for the petitioners in connected petition i.e. **CRM-M-47527 of 2018** titled as **Karamjit Singh and others Versus State of Punjab and others** has put in appearance on behalf of respondents No.2 to 4 and accepts the factum of compromise effected between the parties.*

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on

30.11.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in DDR;*
- (ii) Whether any accused is proclaimed offender; and,*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of the Sub Divisional Judicial Magistrate, Patti dated 11.01.2019 has been received wherein it has been mentioned that :-

“ I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one. As per record there are a total of three accused in the subject cited DDR and all the accused are petitioners before the Hon'ble Punjab & Haryana High Court. None of the accused has been declared proclaimed offender till date.”

Learned Senior Deputy Advocate General has also accepted this fact.

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the

parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said DDR, FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main cases have been decided, the pending Criminal Misc. Applications, if any, also stand disposed of.

26.03.2019

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No