

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35772-2019 (O&M)
Date of Decision:- 31.10.2019

Jaswinder Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satish Kumar Sharma, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Siddharth Gupta, Advocate,
for respondents No.2 and 3.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of DDR No.23, dated 17.10.2013, under Sections 325, 323, 506 IPC (although charges framed under Sections 452, 354, 325, 323, 506, 34 IPC) arising out of case FIR No.130, dated 17.10.2013, registered at Police Station Dayalpura, District Bathinda, under Sections 324, 506, 34 IPC and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

2. Vide order dated 29.8.2019 the parties had been directed to appear before the Illaqa Magistrate/Trial Court so as to get the statements recorded qua the factum of compromise.
3. Report of learned Judicial Magistrate 1st Class, Phul, has been received wherein it has been reported that although DDR was lodged at the instance of Mithu Singh, but as per report of learned Judicial Magistrate 1st Class, Phul, said Mithu Singh has since expired. Respondents No.2 and 3 are none else but the daughters of said Mithu Singh and injured in this case. It has been reported that statement of complainant/victims Beant Kaur and Kiranjit Kaur as well as of the petitioners/accused Jaswinder Singh, Simranjit Singh alias Sonu alias Simeranjeet Singh, Amaritpal Singh alias Amritpal Singh, Nirmaljit Singh alias Nirmaltej Singh, have been recorded to the effect that they have compromised the matter amongst themselves and they have no objection in case the FIR is quashed.
4. Learned Judicial Magistrate 1st Class, Phul, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
5. In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and DDR No.23, dated 17.10.2013, under Sections 325, 323, 506 IPC (although charges framed under Sections 452, 354, 325, 323, 506, 34 IPC) arising out of case FIR No.130, dated 17.10.2013, registered at Police Station Dayalpura, District Bathinda, under Sections 324, 506,

34 IPC, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

October 31, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No