

CRM-M-15314-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-15314-2019

Date of Decision: September 22nd, 2020

Ranjit Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Harchand Singh Batth, Advocate
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Gaurav Kalsi, Advocate
for respondent No.2 – complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order dated 16.09.2020 passed by this Court, an amount of Rs.10,000/- stands deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

This petition under Section 482 of Cr.P.C. has been filed for quashing of FIR No.4, dated 25.01.2019, under Sections 365, 148, 149 and 506 of Indian Penal Code, registered at Police Station Valtaha, District Tarn Taran (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.03.2019 (Annexure P-2) effected between the parties.

On 03.04.2019, this Court had passed the following order:-

“Contends that the matter has been compromised between the parties.

Notice of motion.

Mr.Gaurav Kalsi, Advocate appears on behalf of respondent no.2 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 22.04.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/affected persons, if any and submit a report along with the recorded 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 affected persons 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 08.05.2019 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 pursuance to the above order passed by this Court, parties appeared before the Judicial Magistrate First Class, Patti, on 22.04.2019 and got recorded their respective statements. On the basis of those statements, learned Judicial Magistrate First Class, Patti, has submitted his report dated 06.05.2019 (Annexure A). According to the said report, parties have compromised the matter without any pressure or coercion in any manner. It has further been stated that the compromise effected between the parties is genuine and valid. There is no other case pending against any of the parties and none of the persons in the present case is a proclaimed offender.

Learned counsel for the parties submit that in the light of the report submitted by the Court below, as per the directions issued by this Court, the FIR which was got registered at the behest of respondent No.2

may be quashed especially when the said respondent does not want to pursue the matter any further.

In view of the above, it is apparent that the compromise entered into between the parties is genuine. The matter has been amicably resolved between the parties and the complainant is not interested in pursuing the FIR, which was got registered by him. No useful purpose would be served by proceeding further in the matter.

In the light of the above and the ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.4, dated 25.01.2019, under Sections 365, 148, 149 and 506 of Indian Penal Code, registered at Police Station Valtoha, District Tarn Taran (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

September 22nd, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No