

(1)

CRM-M-33028-2019 &
CRM-M-36717-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

Date of Decision: September 22nd, 2020

CRM-M-33028-2019

Gurwinder Singh @ Goldy & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(2)

CRM-M-36717-2019

Rajwinder Singh @ Raju & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Surjit Singh Swaich, Advocate
for the petitioners in CRM-M-36717-2019
for respondents No.2 to 5 in CRM-M-33028-2019.

Mr. Harchand Singh Bath, Advocate
for the petitioners in CRM-M-33028-2019 &
for respondents No.2 to 4 in CRM-M-36717-2019.

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of CRM-M-33028-2019,
titled as 'Gurwinder Singh @ Goldy & others Versus State of Punjab &
others' and CRM-M-36717-2019, titled as 'Rajwinder Singh @ Raju &
others Versus State of Punjab & others', as the incident involved in these

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cases is the same.

In compliance with the order dated 16.09.2020 passed by this Court, amount stands deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

Prayers in these petitions under Section 482 of Cr.P.C. are for quashing of FIR No.42 dated 09.06.2019, registered under Sections 323, 324, 506, 148 and 149 of IPC at Police Station Chohla Sahib, District Tarn Taran and for quashing of DDR No. 30 dated 09.06.2019, under Sections 324, 148, and 149 IPC, in FIR No. 42 dated 09.06.2019, registered under Sections 323, 324, 427, 506, 452, 148 and 149 of the IPC (Sections 452, 427 IPC deleted later on) at Police Station Chohla Sahib, District Tarn Taran, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 22.06.2019 effected between the parties.

In pursuance to the order passed by this Court on 26.02.2020, both the parties appeared before the Judicial Magistrate First Class, Tarn Taran, on 31.03.2020 and got recorded their statements. On the basis of the statements given by the parties, wherein they acknowledge the factum of compromise having been entered into between them, the Judicial Magistrate First Class, Tarn Taran, has submitted his report. According to the said report, compromise arrived at between the parties has been found to be genuine and the same is entered between them without any coercion, undue influence, threat, promise, pressure etc. It is out of their

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sweet will and therefore, the matter has been amicably resolved. None of the parties is a proclaimed offender and none of the complainants has any objection in case the FIR as well the DDR referred to above are quashed.

Learned counsel appearing for the parties submit that it is a cross case. They acknowledge the factum of compromise and state that the complainants have no objection to the quashing of the FIR and DDR in the light of the compromise entered into between them. Counsel for the parties pray that the FIR and the DDR may be quashed because the parties do 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 parties are not interested in pursuing the FIR and the DDR, which were got registered by them. 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 @ Parbhatbhai 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.42 dated 09.06.2019, registered under Sections 323, 324, 506, 148 and 149

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of IPC at Police Station Chohla Sahib, District Tarn Taran and DDR No.30 dated 09.06.2019, under Sections 324, 148, and 149 IPC, in FIR No. 42 dated 09.06.2019, registered under Sections 323, 324, 427, 506, 452, 148 and 149 of the IPC (Sections 452, 427 IPC deleted later on) at Police Station Chohla Sahib, District Tarn Taran, along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioners in these petitions only.

September 22nd, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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