

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218 - CRM-M-39774-2019 (O&M)

Date of Decision: 06.11.2020

Jaswinder Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

218 - CRM-M-32256-2020 (O&M)

Date of Decision: 06.11.2020

Lakhwinder Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. BS Bajwa, Advocate for the petitioners

Mr. Saurav Khurana, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-cited two criminal miscellaneous petitions, filed by the petitioners *inter alia*, praying for quashing of the FIR No.98 dated 13.11.2018 under Sections 326/324/323/341/34 IPC registered at PS Ghuman, District Batala, on the basis of compromise qua the petitioners. CRM-M-39774-2019 is being treated as the lead case.

On 18.09.2019, the following order was passed by this Court:-

The petitioners are seeking quashing of FIR No.98 dated 13.11.2018, under Sections 326, 324, 323, 341 and 34 IPC registered at Police Station Ghuman, District Batala, on the basis of compromise dated 20.08.2019 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is an outcome of a sudden quarrel between the neighbours in which injuries were caused on the non-vital parts of the body. The matter has now been compromised with the intervention of the respectables. He has referred to the copy of the compromise which is annexed as Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Mr. Dhruv Dayal, DAG, Punjab accepts notice on behalf of respondent No.1.

Mr. Vikki Sharma, Advocate has put in appearance on behalf of the complainant/respondent No.2 and states that the matter has indeed been compromised.

List on 04.11.2019.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 30.09.2019. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.

Report of the Judicial Magistrate 1st Class (Duty), Batala dated 30.09.2019 has been received wherein it has been stated inter alia that statements of complainant/respondent and the petitioner/accused have been recorded on 30.09.2019. It is stated that the parties have made an amicable settlement and have recorded their statements without fear and pressure and out of their free will.

Learned counsel for respondent No.2 also supports the compromise and has no objection if the FIR is quashed qua the petitioners.

At this stage, it is submitted that in the second case, Lakhwinder Singh had already got his statement recorded before the JMIC/Duty Magistrate on 30.09.2019.

Learned State counsel on instructions submits that it is a matter of fact that the parties have compromised the matter and statements were recorded before the Judicial Magistrate, 1st Class, Batala. He has no objection if the FIR is quashed qua the petitioners.

In view of the statements made by the parties and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh & Ors. Vs. State of Punjab & Anr. 2007(3) RCR(CrL.) 1052**, approved by Hon'ble the Apex Court in **Gian Singh Vs. State of Punjab & Ors. 2012(10) SCC 303**, the instant petition is **allowed** and the aforesaid FIR along with all consequent proceedings conducted therein, are quashed.

Needless to say that parties shall remain bound by the terms of compromise.

06.11.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No