

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-259 of 2021 (O&M)
Date of decision : 7.4.2021

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Joginder Singh and another
.....Petitioners

vs.

State of Punjab and others
.....Respondents

2) CRM-M-286 of 2021 (O&M)

...

Pritam Singh and others
.....Petitioners

vs.

State of Punjab and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Harpal Singh, Advocate
for the petitioners - in CRM-M-259 of 2021 and
for respondents No. 2 and 3 in CRM-M-286 of 2021 .

Mr. A.K. Khunger, Advocate
for the petitioners - in CRM-M-286 of 2021 and
for respondents No. 2 and 3 in CRM-M-259 of 2021 .

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

By this common order, I intend to dispose of CRM-M-259

of 2021 titled as 'Joginder Singh and another vs. State of Punjab and others' and CRM-M-286-2021 titled as 'Pritam Singh and others vs. State of Punjab and others', as both these petitions have arisen out of the same FIR and DDR in the said FIR.

Petitioners – Pritam Singh and others have brought CRM-M-286-2021 under Section 482 Cr.P.C. for quashing of FIR No. 67 dated 31.5.2019, for offences under Sections 342, 323, 148, 149 IPC, registered at Police Station Khuian Sarwar, District Fazilka, against them, whereas petitioners - Joginder Singh and Gurdev Singh have brought CRM-M-259-2021 for quashing of DDR No. 33 dated 31.5.2019 for offences under Sections 452, 323, 34 IPC in the abovesaid FIR, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between the parties.

Briefly stated, facts of the case as per the prosecution story are that on 29.5.2019, at about 6.30 P.M., while the complainant Gurdev Singh son of Balwant Singh, resident of Gidderanwali, aged about 27 years, alongwith Joginder Singh son of Sunder Singh was going in the street, then Sukhwinder Singh @ Sukha son of Deepa Singh met them. An altercation took place between them on account of some money transaction. Sukhwinder Singh went on roof of his house through staircase and starting throwing brickbats. However, neither the complainant nor Joginder Singh were hit. On 30.5.2019, at about 8.30 A.M. while the complainant alongwith Joginder Singh and Bachan Kaur wife of Sunder Singh on motorcycle, had reached

near the shop of Amar Singh son of Surinder Singh, then Pritam Singh, Babbu Singh, Sukhwinder Singh @ Sukha and Gurcharan Singh, all of them armed with dangs, came there and attacked the complainant, causing him injuries and then they abducted the complainant and Joginder Singh, taking them to their house, where Taro Bai , Simarjeet Kaur, having sticks, Amarjeet Singh armed with a dang, Kuldeep Singh, Bimla Rani both having ropes, Balwinder Singh having a Saria, came and tied the complainant and Joginder Singh, with the help of ropes. Sukhwinder Singh @ Sukha and Simarjeet Kaur gave dang blows to the complainant and then all the other assailants also hit the complainant and Joginder Singh. Ultimately, they were rescued and taken to hospital and the matter was reported to the police, on the basis of which formal FIR was recorded. Investigation in the case started.

Whereas, there is cross version of the incident also, in terms of which Joginder Singh and Gurdev Singh having dandas trespassed in the house of Taro Bai and assaulted her, as well as her granddaughter Mandeep. On the basis of complaint made by Taro Bai, DDR had been recorded. After investigation, challan was filed and charges have been framed. In the meanwhile, the parties have arrived at compromise.

When the petitions came up for hearing on 6.1.2021 notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 in both the petitions, appeared through their respective counsel. Then

in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate/Duty Magistrate, Fazilka, to get their statements recorded with regard to compromise and the said Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Abohar, in both the cases, in terms of which Joginder Singh and Gurdev Singh – accused in CRM-M-259-2021 and complainant in CRM-M-286-2021) and Pritam Singh, Babbu Singh, Sukhwinder Singh @ Sukha, Gurcharan Singh, Taro Bai @ Kartar Kaur, Simarjit Kaur, Amarjeet Singh @ Amar Singh, Kuldeep Singh, Balwinder Singh, Bimla Rani @ Balwinder Kaur (accused in CRM-M-286-2021) and Mandeef @ Mandeep (complainant in CRM-M-259-2021) had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant in both the cases have stated that they have no objection if the FIR and its cross version DDR in question are quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant party and the accused party in original, have been annexed.

I have heard learned counsel for the respective parties, learned State counsel, besides going through the record.

The parties belong to the same community and the same village. Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, both the petitions are allowed and the abovesaid FIR and the DDR, alongwith ancillary proceedings are hereby quashed.

7.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No