

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114-A) CRM-41894-2021 in/and
CRM-M-5148-2020
Date of Decision : December 21, 2021

Nishan Singh and others .. Petitioners

Versus

State of Punjab and others .. Respondents

(114) CRM-41827-2021 in/and
CRM-M-5823-2020

Krishna Devi and others .. Petitioners

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manbir Singh Basra, Advocate, for the petitioners,
(in CRM-M-5148-2020) and for respondents No. 2 & 3
(in CRM-M-5823-2020).

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Anupinder Singh Brar, Advocate,
for respondents No. 2 and 3 (in CRM-M-5148-2020) and
for the petitioners (in CRM-M-5823-2020).

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-41894-2021 in CRM-M-5148-2020
CRM-41827-2021 in CRM-M-5823-2020

Present applications have been filed for preponing the date of hearing of the main petitions i.e. CRM-M-5148-2020 and CRM-M-5823-2020 , which now stand adjourned to 10.05.2022.

Notice of the applications to the counsel opposite.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State. Mr. Anupinder Singh Brar, Advocate accepts notice on behalf of respondents No. 2 and 3 (in CRM-M-5148-2020) and Mr. Manbir Singh Basra, Advocate, accepts notice on behalf of respondents No. 2 and 3 (in CRM-M-5823-2020). They state that they have no objection for the grant of the prayer as raised in the present applications.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed and hearing the main petitions i.e CRM-M-5148-2020 and CRM-M-5823-2020 is preponed from 10.05.2022 to today.

CRM-M-5148-2020 and CRM-M-5823-2020

By this common order, two petitions are being disposed of as these petitions arise out of the same incident.

Present two petitions, which have been filed for quashing of FIR No.0003 dated 05.01.2020 registered under Sections 323, 324, 148, 149 of the IPC at Police Station Bhaini Mian Khan, District Gurdaspur as well as the cross DDR No.35 dated 06.01.2020 in FIR No.0003 dated 05.01.2020 registered under Sections 323, 324, 148, 149 of the IPC at Police Station Bhaini Mian Khan, District Gurdaspur, and all other subsequent

proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 05.02.2020 had passed the following order:-

“This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.3 dated 05.01.2020 under Sections 148, 323 and 324 IPC read with Section 149 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur and all other consequential proceedings arising therefrom, on the basis of compromise dated 25.01.2020 (Annexure P/2) arrived at between petitioners and respondents No.2 and 3.

Notice of motion.

Mr. Harbir Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.1-State and seeks time to place on record report, if any. At this juncture, Mr. Anupinder Singh Brar, Advocate has appeared and filed Power of Attorney on behalf of respondents No.2 and 3, which is taken on record. Complete copy of paperbook be supplied to learned State counsel and learned counsel for respondents No.2 and 3 during course of the day.

Learned counsel for respondents No.2 and 3 affirmed the factum of compromise (Annexure P/2).

Let the parties appear before the trial Court/Area Magistrate, as the case may be, on 05.03.2020 for getting their statements recorded with regard to the compromise. Court is directed to report on the following points:-

- (i) how many total accused are facing the trial,*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial,*
- (iii) status/stage of the trial/case,*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the*

compromise.

(v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 31.03.2020.”

A report has come from Judicial Magistrate Ist Class, Gurdaspur addressed to the Registrar General of this Court dated 09.03.2020 along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant part of the said report is as under:-

“It is further submitted that from the statement of parties, it appears that compromise is genuine and without any pressure, coercion and undue influence.

It is further submitted that there are seven accused persons in the present case and none of the accused persons were declared proclaimed person in above noted FIR and further no other criminal proceeding is pending against accused persons with the complainants/respondents at Police Station Bhaini Mian Khan. Further no accused persons are arrested till today as per his record. Neither any remand papers of accused persons nor any challan is presented against the accused persons in the Court till today. The statement of investigating officer with regard to the above notice facts has been recorded.”

Learned counsel appearing for the respective parties submit that

the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR as well as DDR alive, hence, the same may kindly be quashed on the basis of said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR as well as DDR on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR as well as cross DDR on the basis of the compromise.

Thus, the FIR No.0003 dated 05.01.2020 registered under Sections 323, 324, 148, 149 of the IPC at Police Station Bhaini Mian Khan, District Gurdaspur as well as the cross DDR No.35 dated 06.01.2020 in FIR No.0003 dated 05.01.2020 registered under Sections 323, 324, 148, 149 of the IPC at Police Station Bhaini Mian Khan, District Gurdaspur and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as DDR, will be subject to the payment of Rs.15000/- as costs in each petition by the petitioners, to be deposited with Prabh Aasra (Unit of) u/o Universal

CRM-41894-2021 in/and CRM-M-5148-2020 and other connected case
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Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

December 21, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes/No
Whether reportable : Yes/No