

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-41856-2021 in/and
CRM-M-9149-2020
Date of Decision: 09.12.2021**

Mohinder Pal Singh Shoker and othersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Pawan Kumar, Sr.Advocate with
Mr. Surya Kumar, Advocate,
for the applicants/petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Ravinder Chaudhary, Advocate for
Mr. Shalender Mohan, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

CRM-41856-2021

Vide this application, advancement of the date of hearing in the accompanying petition is sought, which otherwise is fixed for hearing on 16.05.2021.

It is to be noticed that earlier also a similar application had been filed which was allowed on 07.04.2021, with the date of hearing advanced to 17.05.2021, but the turn of the case obviously not having come up thereafter, due to the second wave of the ongoing pandemic.

Notice in the application.

Learned State counsel accepts notice at the asking of the court on behalf of respondent State, with learned counsel appearing for respondent no.2 also accepting notice.

In view of the prayer made in the petition, learned counsel for the respondents do not oppose the application, which is consequently allowed and the date of hearing in the accompanying petition advanced to today itself, with the report of the learned Addl. CJM, Barnala, dated 25.11.2020, in terms of the order of this court dated 02.03.2020, already being on record.

CRM-M-9149-2020

By this petition, the petitioners seek quashing of FIR No.38, dated 12.02.1995, registered at Police Station Barnala, District Barnala, alleging therein the commission of offences punishable under Sections 323/342/365/506/34 of the IPC; as also of Criminal Complaint No. COMI/37/2015, dated 05.02.2015, and other subsequent proceedings arising therefrom, on the basis of a compromise (copy Annexure P-5), arrived at between the petitioners and respondent no.2 .

As per the aforesaid report of the learned Additional CJM, Barnala, the first three petitioners, i.e. Mohinder Pal Singh, ASI Bhajan Singh and Constable Daler Singh, appeared before that court and recorded their statements on one particular date, with petition no.4, Gurcharan Singh, having appeared on a different date and having recorded his statement; and more importantly, with respondent no.2, i.e. the complainant in the FIR, also having recorded a statement before that court, to the effect that the matter has indeed

been compromised between them and that the complainant has no objection if the FIR in question and the criminal complaint are both quashed.

It has further been stated by the learned Addl. CJM, that as per the statement of the investigating officer, the accused were not found to be involved in any other case and that there is only one complainant (only one person aggrieved of in the matter, i.e. respondent no.2, Jaswant Singh) and further, as per the assessment of that court, the compromise effected between the parties is of their own free will.

It has also been stated that none of the accused is a proclaimed offender.

A reply to the petition has also been filed by the DSP, Barnala, dated 07.09.2021, which is ordered to be taken on record.

It has been stated therein that after seeking information it was found that there is no other criminal case registered against the petitioners except the FIR in question.

That being so, and the matter having been amicably compromised between the parties, which learned counsel for respondent no.2 does not deny even today before this court, even though the petitioners have been convicted by the trial court, with their appeal pending before the learned Sessions Judge (appellate court), looking at the nature of the offences alleged to have been committed and the fact that the matter has indeed been settled amicably between the parties, therefore even in terms of the ratio of the judgment of the Supreme Court in **Gian Singh vs. State of Punjab**; 2012 (4) RCR (Crl.) 543, the petition is allowed and FIR No.38, dated 12.02.1995, registered at

Police Station Barnala, District Barnala, alleging therein the commission of offences punishable under Sections 323/342/365/506/34 of the IPC, and Criminal Complaint No. COMI/37/ 2015, dated 05.02.2015, along with all proceedings emanating therefrom, are hereby quashed.

December 09, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes

Whether reportable: : Yes