

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226-A)

CRM-M-25125-2021

Date of Decision : September 28, 2021

Balwinder Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(226)

CRM-M-25040-2021

Bageech Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surmeet Singh Sandhu, Advocate,
for the petitioners (in CRM-M-25125-2021) and
for respondent No.2 (in CRM-M-25040-2021).

Mr. K.S. Lakhanpal, Advocate, for
Mr. Fatehjeet Singh, Advocate,
for the petitioners (in CRM-M-25040-2021) and
for respondent No.2 (in CRM-M-25125-2021).

Mr. Sandeep Kumar Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions, which have been filed for quashing of FIR No.27 dated 04.04.2019 as well as DDR No.22 dated 04.04.2019 recorded for the same incident, on the basis of compromise, are being decided.

Learned counsel for the petitioners in CRM-M-25125-2021

submits that FIR No.27 dated 04.04.2019 registered under Sections 451, 323, 148, 149 IPC at Police Station Talwandi Choudrian, District Kapurthala was recorded against the petitioners therein on the basis of the complaint of Bageech Singh and a Diary No.22 dated 04.04.2019 registered under Sections 451, 323, 148 and 149 IPC at the same police station on the same day got recorded by Balwinder Singh against five accused, who are the petitioners in CRM-M-25040-2021.

Learned counsel for the parties submits that the parties have already compromised their dispute by reproducing the same in writing, a copy of which has been appended alongwith the petitions.

Learned counsel for the parties further submits that as per the compromise, both the parties will not pursue their respective cases i.e. FIR No.27 dated 04.04.2019 as well as DDR No.22 dated 04.04.2019.

A Coordinate Bench of this Court passed the following order on 06.07.2021:-

“ The petitioners herein seek the quashing of the FIR bearing No.27 registered at Police Station Talwandi Choudrian, District Kapurthala on 04.04.2019 under Sections 451, 323, 148, 149 IPC as well as all the subsequent proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Learned counsel for the petitioners, inter-alia, contends that the petitioners as well as the complainant party are the residents of the same village and the said compromise has been effected to ensure harmonious and cordial relationship between them so that they could live peacefully in the village in future.

Notice of motion.

Ms. Samina Dhir, learned Deputy Advocate General,

Punjab, who has joined the proceedings in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of respondent No.1

Mr. Fatehjeet Singh, Advocate, has also joined the proceedings on behalf of respondent No.2 and has sent his power of attorney through the “Whatsapp Group for Video-Conferencing” of this Court and the same has been placed on the record. He admits the factum of the compromise having been effected between the parties.

The parties as well as the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 07.09.2021 for getting their statements recorded in respect of the said compromise. The Illaqa Magistrate/trial Court shall submit the report on or before 28.09.2021 specifying therein the following:-

1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise:

2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case:

3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

4. the stage of the trial/proceedings:

5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will:

6. whether any other criminal case is pending against any of the accused.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

In pursuance to the said order, a report has been received from the Judicial Magistrate Ist Class, Sultanpur Lodhi dated 20.09.2021 with the following comments:

“(i) Thus, all the petitioners/accused as well as complainant/ respondent in CRM-M-25125 of 2021 appeared and suffered statements that dispute between them is voluntarily compromised. Also, in CRM-M-25040 all the petitioners/Respondents and Respondent/complainant appeared and suffered statements that dispute between then is voluntarily compromised.

(ii) As per statement of investigating officer and Judicial File, none of the petitioners/accused have been declared proclaimed offender in the present case nor any proceedings for declaring them as PO is pending.

(iii) It is further submitted that in CRM-M-25125 complainant/aggrieved Bageech Singh appeared and made his statement. In CRM-M-25040 Complainant Balwinder Singh and Injured Mohan Singh, Rajwant Kaur appeared in the Court and made their statements in the support of the compromise.

(iv) It is further submitted challan is presented in this FIR as well as in Cross-Case case and all accused are appearing. Both cases are pending for prosecution evidence.

(v) It is further submitted that parties are neighbours and it appears they have effected settlement/compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influences etc. in any manner.

(vi) It is further submitted that against Mohan Singh one another FIR No.25 dated 30.03.2019 under Sections 323/451 IPC PS Talwandi Chaudharian is registered and pending.

It is further submitted that father name of petitioner Jaswinder Singh@ Jassi in CRM-M-25125 of 2021, is mentioned as Balwinder Singh in the petition, whereas petitioner stated that the name of his father is Gurdeep Singh and it is wrongly mentioned in the petition. He further state that his counsels will move appropriate application before the Hon'ble High Court for necessary correction.

Certified copies of statements of both the parties &

investigating officer recorded in this Court, copy of compromise between the parties are being sent herewith. The report is accordingly submitted before the Hon'ble High Court for kind perusal, please.”

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 No.27 dated 04.04.2019 as well as DDR No.22 dated 04.04.2019 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 abovestated 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 abovestated FIR as well as cross DDR on the basis of the compromise.

Thus, the FIR No.27 dated 04.04.2019 registered under Sections 451, 323, 148 and 149 IPC at Police Station Talwandi Choudrian, District Kapurthala as well as the cross Diary No.22 dated 04.04.2019 registered under Sections 451, 323, 148 and 149 IPC at Police Station Talwandi Choudrian, District Kapurthala 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 the FIR as well as DDR, will be subject to the payment of Rs.15000/- as cost in each petition by the petitioners, to be deposited with Prabh Aasra (Unit of) u/o Universal 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.

September 28, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No