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CRM-M-26609-2020

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

1. CRM-M-27345-2020
Date of decision : 05.03.2021

Arshdeep Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

2. CRM-M-26609-2020
Date of decision : 05.03.2021

Jaswinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Santosh Yadav, Advocate for the petitioners
(In CRM-M-27345-2020)
for respondent No.2 (In CRM-M-26609-2020)

Mrs. Samina Dhir, DAG, Punjab.

Mr. Deepanshu Mehta, Advocate for the complainant
(In CRM-M-27345-2020)
for the petitioners (In CRM-M-26609-2020)

RAJ MOHAN SINGH, J. (ORAL)

- 1) Vide this common order, CRM-M-27345-2020 and CRM-M-26609-2020 are being decided.
- 2) Prayer in both the petitions is for quashing of FIR No.30 dated 04.06.2018 registered under Sections 323, 325, 148, 149 of the Indian Penal Code, 1860 at Police Station Smalsar, District Moga and its cross-version under Sections 323/326/148/149 of IPC, along with all the subsequent proceedings arising therefrom, on the basis of compromise.
- 3) Vide order dated 14.09.2020 passed in CRM-M-27345-2020 and order dated 08.09.2020 passed in CRM-M-26609-2020, the parties were directed to appear before the Duty Magistrate/Trial Court for recording their statements in the context of genuineness of compromise in question. The trial Court was directed to report on different parameters vis-a-vis the status of accused, number of accused and the complainant/injured and genuineness of compromise in question.
- 4) In compliance of the aforesaid orders, in CRM-M-27345-2020 and CRM-M-26609-2020, Sub Divisional Judicial Magistrate, Baghapurana has sent the following report, which reads as under:-

“With due respect it is submitted that vide order dated 14.09.2020 passed by Hon'ble Punjab and Haryana High Court in CRM-M No. 27345 of 2020, the parties were directed to appear before this court on 05.10.2020 for getting recorded their statements with regard to compromise and this court was directed to submit report with regard to the number of accused arraigned in the FIR and how many appeared and made statements and whether any accused is absconding /P.O in the case, the name of complainant and injured/aggrieved and whether all of them appeared and made their statements in support of the compromise, stage of trial, genuineness of compromise and whether any other criminal case is pending against the accused. In compliance of order of Hon'ble Punjab and Haryana High Court dated 08.09.2020, both the parties i.e. complainant Harpreet Singh and accused/petitioners Arshdeep Singh and Sukhpreet Singh appeared in the court on 19.10.2020 and got recorded their statements separately.

2. Complainant/respondent Harpreet Singh who is complainant in this case and accused in cross-case titled as State Versus Jaswinder Singh stated in his statement that he has lodged the FIR no.30 dated 04.06.2018, under Sections 323, 325, 148, 149 IPC at PS. Smalsar against above mentioned accused namely Sukhpreet Kaur and

Arshdeep Singh whereas a cross-case in this FIR has been got registered by Arshdeep Singh against all of them. With the intervention of respectables, he has arrived at a compromise with the above mentioned accused persons alongwith in cross-case. Statements of Arshdeep Singh and Sukhpreet Kaur have been recorded in respect of cross-case and in this FIR. Now he does not want to proceed with the present case and he does not want to take any action against the accused person in the above mentioned case. Complainant stated that he has no objection in case the quashing proceedings pending in the Hon'ble Punjab and Haryana High Court be accepted and FIR against the accused be quashed. He further stated that the compromise has been effected without any pressure or compulsion and with their free will and he suffered the statement in the court without any undue influence.

3. Thereafter, above mentioned accused namely Arshdeep Singh and Sukhpreet Kaur got recorded their joint statement to the effect that they have heard the statement of the complainant in FIR case. They further stated that with the intervention of respectables, in the said FIR and cross-case, they have arrived at a compromise with the complainant. They further stated that they have already filed quashing proceedings which is pending in the Hon'ble Punjab and Haryana High Court. They have compromised the matter without

any pressure or compulsion and with their free will and they have suffered the joint statements in the court without any pressure. Further submitted that in view of the compromise, the FIR be quashed alongwith cross-case under Sections 323, 326, 148, 149 IPC on the basis of statement of Arashdeep Singh against accused Jaswinder Singh, Parkash Kaur, Gurpreet Singh, Harpreet Singh and Jagseer Singh. Further stated that they have signed the compromise dated 19.06.2020 without any coercion or threat and this compromise is effected as per the written compromise and quashing has also been filed on the basis of compromise arrived at by them and the other party. An amount of Rs.50,00,000/- has also been received by Sukhpreet Kaur and nothing is due against Jaswinder Singh.

It is submitted that five persons namely Arshdeep Singh and Sukhpreet Singh are the accused in this case and all the accused appeared in the court and made joint statement with regard to compromise and none of the accused has been declared as proclaimed offenders. Harpreet Singh is the complainant in this case and complainant appeared in the court and made separate statement in support or the compromise. No other criminal is pending against the accused. It is also submitted that having recorded the statements of the parties and after orally inquired from them, this court is of the

considered opinion that compromise effected between the parties is genuine, voluntarily and without any threat or coercion and out of free will of the parties.

Hence, the report is submitted as desired.

5) Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant(s) coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

6) Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

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7) Resultantly, FIR No.30 dated 04.06.2018 registered under Sections 323, 325, 148, 149 of the Indian Penal Code, 1860 at Police Station Smalsar, District Moga and its cross-version under Sections 323/326/148/149 of IPC, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

8) Both the petitions stand disposed of.

05.03.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No