

CRM-M-52096-2018 (O&M)

Date of Decision: 26.07.2021

Gurpreet Singh @ Gopi and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CRM-M-52476-2019 (O&M)

Kewal Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vishal Satija, Advocate, for the petitioners
in CRM-M-52096-2018.
for respondents no.2 to 4 in CRM-M-52476-2019
Mr. Himanshu Jain, Advocate for
Mr. Baljeet Singh, Advocate, for the petitioners
in CRM-M-52476-2019
for respondents no. 2 to 5 in CRM-M-52096-2018.
Mr. Ramdeep Singh Partap, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

Vide CRM-M-52096 of 2018, the petitioners seek quashing of
FIR No.106 dated 19.06.2016, registered at Police Station Passiana, District
Patiala, alleging therein the commission of offences punishable under Sections
323/324/452/148/149 the IPC. The petitioners in CRM-M-52476-2019 seek
quashing of the cross-version to the said FIR, i.e. of DDR No.27 of even date,
registered at same the same police station, alleging therein the commission
of offences punishable under Sections 323/341/506/148/149 of the IPC.

All subsequent proceedings arising thereafter, in both cases, are also sought to be quashed, on the basis of a compromise (copies Annexures P-2 and P-3 respectively), arrived at between the petitioners and the 'private respondents' in each petition.

Pursuant to the orders passed on 24.01.2019 in CRM-M-52096-2018 and 22.01.2020 in CRM-M-52476-2019, two separate reports have been received from two learned Judicial Magistrates Ist Class, Patiala, dated 01.05.2020 and 08.03.2019 respectively, with regard to the statements of the parties recorded before those courts *qua* the compromise stated to have been reached between them.

As per the report dated 08.03.2019 (in the context of the petition seeking quashing of the FIR), it has been stated that respondent no.2 (complainant Charanjeet Kaur), as also respondent no.3, i.e. Sukhdev Singh, alongwith two other injured persons, i.e. Nachatter Kaur and Lakhvir Singh, appeared before that court and suffered statements to the effect that the matter has been compromised with the accused, i.e. the 19 petitioners herein, without any pressure or coercion, with the petitioners also having made a similar statement before that court.

As per the Investigating Officers' statement before that court, none of the petitioners had been declared to be proclaimed offender.

The assessment of the learned JMIC is to the effect that the compromise arrived at between the parties is wholly voluntary and without any pressure and coercion.

Similarly, the report dated 01.05.2020 (recorded by another learned Magistrate), is to the effect that the complainant in the cross-case registered, i.e. DDR No.27 dated 19.09.2016, (respondent no.2 herein, Gurpreet Singh), alongwith Lakhvir Singh and Ajaib Singh (i.e. respondents no.3 and 4 respectively), suffered similar statements to the effect that the matter has been compromised of their own free will.

The accused in the cross-case, i.e. petitioners no.1 to 15, also appeared and made similar statements before that court.

Again, as per the assessment of that court, the compromise arrived at between the parties is genuine and voluntary.

As per the instructions of learned State counsel there are no other criminal cases registered against the petitioners in either petition.

That being so, looking at the nature of the offences and seeing the fact that the parties have amicably compromised the matter with each other, I would see no reason to continue with the criminal proceedings and therefore both the petitions are allowed. FIR No.106 dated 19.06.2016, registered at Police Station Passiana, District Patiala, alleging therein the commission of offences punishable under Sections 323/324/452/148/149 the IPC, as also the cross-version thereto, i.e. DDR No.27 of even date, registered at the same police station, alleging therein the commission of offences punishable under

Sections 323/341/506/148/149 of the IPC, along with all proceedings emanating therefrom, are hereby quashed.

26.07.2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No