

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM-M-32275 of 2021 (O&M)

Date of Decision : 30.11.2021

Bharpur Singh & others

....Petitioners

Versus

State of Punjab & others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shadab Ahmad, Advocate,
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Pankaj Garg, Advocate,
for respondents No.2 and 3.

HARSIMRAN SINGH SETHI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.26, dated 10.12.2016 under Sections 452, 323 and 34 of the IPC, registered at Police Station Sadar, Mansa on the basis of the compromise, which has been entered into between the parties.

On 13.08.2021, a Coordinate Bench of this Court had passed the following order:-

“By filing this petition, quashing of DDR No.26 dated 10.12.2016 under Sections 452,323,34 IPC registered at P.S Sadar, Mansa and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab and Mr. Pankaj Garg, Advocate accept notice on behalf of respondent No.1-State of Punjab and the complainant respectively.

The DDR in this case was registered on 10.12.2016. The parties entered into compromise almost four and half years thereafter i.e on 17.05.2021.

During this period, investigation has been completed by the State, challan presented, charges framed and the matter is now fixed for prosecution evidence.

Parties may appear before concerned trial Court/Duty Magistrate on 06.09.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. However, this shall be subject to petitioners depositing a sum of Rs.20,000/- with Shaheed Ajit Singh Police Welfare Fund.

Since Petitioner No.1-Bharpur Singh is stated to be residing in Canada, his statement may be recorded through his attorney.

The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 30.11.2021. ”

A report dated 15.11.2021 has come from Additional Chief

Judicial Magistrate, Mansa, along with the statements of the accused-petitioners (petitioner No.1 through power-of-attorney Gursharan Singh) as well as respondents No.2 & 3, which have been recorded. The said report is as under:-

“1. The compromise appears to be genuine and voluntary.

2. All the petitioners/accused are not appearing in the Court as no final report has been presented before the Court nor they were ever arrested and produced before the Court of undersigned. The accused are also not on bail, either regular or anticipatory.

3. No proceedings in the Court of undersigned is pending nor any final report has been presented before the Court till date.”

Learned counsel for the petitioners submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the DDR alive.

Learned counsel for respondents No.2 and 3 admits the compromise as well as the statements made before the Additional Chief Judicial Magistrate, Mansa and does not raise any objection, in case the DDR in question is quashed on the basis of the compromise.

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

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore 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 prayer of the petitioners for quashing the DDR on the basis of the compromise.

Thus, DDR No.26, dated 10.12.2016 under Sections 452, 323 and 34 of the IPC, registered at Police Station Sadar, Mansa and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

(HARSIMRAN SINGH SETHI)
JUDGE

30.11.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No