

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223/A

CRM-M No.37045 of 2021
Date of Decision: 30.11.2021

Happy Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Kumar, Advocate,
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Rajbir Singh, Advocate,
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.17 dated 07.07.2020 under Sections 323, 341, 188 and 34 of the IPC, registered at Police Station City Sangrur, District Sangrur, registered in FIR No.192 dated 28.05.2020 under Sections 458, 323, 427, 188, 148 and 149 of the IPC, registered at Police Station City Sangrur, District Sangrur, and all the subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 10.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of
DDR No. 17, dated 07.07.2020, registered under Sections

323, 341, 188, 34 IPC at Police Station City Sangrur, District Sangrur, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that the present is a cross version case of FIR No. 192, dated 28.05.2020 and now the petitioners have compromised their dispute vide compromise deed dated 19.08.2021 (Annexure P-3) and, therefore, the present FIR may kindly be quashed.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1

Mr. Rajbir Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 30.11.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 11.10.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1.Number of persons arrayed as accused in the FIR,*
- 2.Whether any accused is a proclaimed offender,*
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4.Whether the accused persons are involved in any other FIR or not, and*
- 5.The Trial Court is also directed to record the*

statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the DDR is to be quashed.

To be heard along with CRM No. M-36843 of 2021.”

A report dated 23.11.2021 has come from Chief Judicial Magistrate, Sangrur along with the statements of the accused-petitioners as well as the complainant, which have been recorded. The relevant portion of the report is as under:-

“As per statement of complainant Baljit Singh and copy of DDR, accused Happy Kumar, Arun Kumar, Jagdish Ram and Bimla Rani have been arrayed as accused in the DDR.

It is further stated that as per statements of accused, no accused person has been declared as proclaimed offender.

The compromise as per statements of complainant Baljit Singh and accused Happy Kumar, Arun Kumar, Jagdish Ram and Bimla Rani has been arrived at voluntarily and without any pressure, undue influence or coercion between complainant Baljit Singh and accused Happy Kumar, Arun Kumar, Jagdish Ram and Bimla Rani.

It is further submitted that as per statements of accused, they have not involved in any other F.I.R.

It is also submitted that ASI Manjit Singh No.1439/SGR. Investigating Officer of this case has appeared and has suffered the statement that except complainant Baljit Singh, there is no other victim or complainant in the present F.I.R ”

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 respondent No.2 admits the compromise as well as the statements made before the Chief Judicial Magistrate, Sangrur 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.17 dated 07.07.2020 under Sections 323, 341, 188 and 34 of the IPC, registered at Police Station City Sangrur, District Sangrur, registered in FIR No.192 dated 28.05.2020 under Sections 458, 323, 427, 188, 148 and 149 of the IPC, registered at Police Station City Sangrur, District Sangrur, and all the subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the DDR, will be subject to the payment of Rs.15,000/- as cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank

Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

30.11.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No