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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32473-2020(O&M)

Date of Decision:09.03.2021

SURESH KUMAR @ GOLDY AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. V.K. Kaushal, Advocate
for respondent Nos.2 and 3.

RAJ MOHAN SINGH, J.(Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.142 dated 08.09.2020 registered under Sections 323, 325, 148 and 149 of IPC at Police Station Sri Anandpur Sahib, District Rupnagar along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. In the context of genuineness of the compromise,

both the parties were directed to appear before the Illaqa Magistrate/trial Court. The trial Court after recording the statements of the parties has submitted its report. Relevant part of the report is reproduced hereasunder:-

"I have the honour to submit that, vide order dated 17.11.2020 passed in CRM-M No.32473 of 2020, titled as Suresh kumar Goldy and others Vs. State of Punjab and others by the Hon'ble High Court, the Court of undersigned was directed to record the statements of the parties with regard to compromise and send the report before the next date of hearing.

First informant Davinder Kumar has appeared in the Court and suffered statement to the effect that:-

"Stated that present FIR No.142, dated 08.09.2020, under Sections 323,325,148,149 IPC, P.S. Sri Anandpur Sahib was registered against accused Suresh Kumar alias Goldi, Balwinder Kumar, Jasvir Kumar, Shadi Ram, Deepak Kumar, Jarnial Singh, Harpal Singh, Leela Devi and Urmila Devi on the basis of my statement recorded before the Police. I have entered into compromise Ex.C1 dated 05.10.2020 with above named accused with the intervention of respectable persons of village and our family members. Now, I do not want to take any further action against

them. I have entered into compromise voluntarily, out of my my free will, without any undue influence, pressure from any side. I have no objection if the present FIR is quashed against these persons. I have suffered this statement today with my free will without any pressure or coercion. I place on record self atteste copy of my Aadhar Card Ex. C2".

Eyewitness Jaswinder Kaur wife of Davinder Kumar has also appeared in the Court and suffered statement to the effect that:

"Stated that present FIR No. 142, dated 08.09.2020, under S ections 323, 325, 148, 149 IPC, P.S. Sri Anandpur Sahib was registered against accused Suresh Kumar alias Goldi, Balwinder Kumar, Jasvir Kumar, Shadi Ram, Deepak Kumar, Jarnail Singh, Harpal Singh, Leela Devi and Urmila on the basis of statement of my husband Davinder Kumar recorded before the Police. We have entered into compromise Ex.C1 dated 05.10.2020 with above named accused with the intervention of respectable persons of village and our family members. Now, we do not want to take any further action against them. We have entered into compromise voluntarily, out of our free will, without any undue influence, pressure from any side and have no objection if the present FIR is quashed against these persons. I have

suffered this statement today with my free will without any pressure or coercion. I place on record self attested copy of my Aadhar Card Ex. C3”.

Accused/petitioners Suresh Kumar alias Goldi, Balwinder Kumar, Jasvir Kumar, Shadi Lal, Deepak Kumar, Jarnail Singh, Harpal Singh, Leela Devi, Urmila Devi have also appeared in the Court and suffered joint statement to the effect that:-

“Stated that we have entered into compromise with informant Davinder Kumar as well as eye witness Jaswinder Kaur with the intervention of respectable persons of village and our family members. We have entered into compromise out of our own free will, without any undue influence, pressure from any side. We have suffered this statement today with our free will without any pressure or coercion. We place on record self attested copies of our Aadhar Cards Ex. C4 to EX. C12”.

Investigating Officer ASI Nasim Khan No.34/R now posted at Police Post City Sri Anandpur Sahib, Police Station Sri Anandpur Sahib, Distt. Rupnagar has also appeared in the Court and suffered statement to the effect that:-

1. As per FIR there were 9 accused.

2. *Challan was presented against all the 9 accused.*
3. *All the 9 accused are facing trial.*
4. *No accused was declared proclaimed person during investigation of the case.*
5. *No accused person has been declared proclaimed person during the trial of the case.*
6. *There are no previous criminal cases against any of the accused persons.*
7. *There is one complainant in this case who has not been declared proclaimed person and there are no previous cases pending against him.*

Therefore, in view of the above circumstances, as have arisen from the statements of the parties, the following point-wise report is submitted as desired please:

1. *The compromise entered into by the parties is genuine, voluntary and without any coercion or undue influence.*
2. *As per statement of Investigating Officer, no other criminal cases are pending against the parties.*

3. *As per statement of Investigating Officer, no accused was declared proclaimed person during the investigation of the case and no accused person has been declared proclaimed person during the trial of the case.*

The report along with copy of statements of parties is submitted as desired please, for the kind consideration the Hon'ble High Court.”

[4]. In view of compromise between the parties, chance of complainant coming forward in support of prosecution case is negligible. Since the compromise has been entered into between the parties and the same has been found to be genuine by the Magistrate, therefore, on the strength of **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,** the FIR can be quashed.

[5]. Learned State counsel, however, opposed 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.

[6]. Resultantly, FIR No.142 dated 08.09.2020 registered

under Sections 323,325,148,149 of IPC at Police Station Sri Anandpur Sahib, District Rupnagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

09.03.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No