

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232-A)

CRM-M-38442-2021

Date of Decision : November 09, 2021

Jagraj Singh @ Raju @ Raju and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(232)

CRM-M-38387-2021

Karamjit Kaur and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Singh Dadwal, Advocate, for the petitioners,
(in CRM-M-38442-2021 and for respondent No.2,
(in CRM-M-38387-2021).

Mr. Jagjit Singh, Advocate, for the petitioners,
(in CRM-M-38387-2021 and for respondent No. 2,
(in CRM-M-38442-2021).

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions are being disposed of as
these petitions arise out of the same incident.

Present two petitions, which have been filed for quashing of FIR No.202 dated 13.09.2016 registered under Sections 323, 324, 148, 149 IPC at Police Station City Jagraon, District Ludhiana Rural as well as the cross case G.D. No.22 dated 13.09.2016 registered under Sections 451, 323, 325 and 34 IPC at Police Station City Jagraon, District Ludhiana and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 17.09.2021 had passed the following order:-

“This common order is being passed as the prayer in both the petitions are relating to the same incident, for which G.D. No. 22, dated 13.09.2016 as well as FIR No. 202 dated 13.09.2016 were recorded. The prayer in the present petitions is that they have already compromised their dispute on 23.07.2021, a copy of which has been appended as (Annexure P-3) with the petition and therefore G.D. No. 22 dated 13.09.2016 under sections 451, 323, 325, 34 IPC as well as FIR No. 202, dated 13.09.2016 under Sections 323, 324, 148 read with Section 149 IPC at Police Station City Jagraon, District Ludhiana Rural may kindly be quashed on the basis of the said compromise.

Learned counsel for the respective parties do not dispute the above-said compromise which has been arrived at between the parties, according to which parties does not wish to press their allegations alleged against each other in the FIR as well as in G.D. any further.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording

of their statement with regard to the compromise/settlement dated 23.07.2021 (Annexure P-3) on 11.10.2021 by moving an 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 the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.

Adjourned to 09.11.2021.

Photocopy of this order be placed on the file of other connected matter.”

A report has come from Sub Divisional Judicial Magistrate, Jagraon, addressed to the Registrar (Judicial) of this Court dated 21.10.2021 along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. Relevant part of the said report is as

under:

“After going through the statements of the parties, this Court is satisfied that respondent No.2 namely Karamjit Kaur wife of Baljit Singh has effected compromise with petitioners Jagraj Singh @ Raju, Manvir Singh @ Krishan, Parveer Singh @ Sunny, Jagroop Singh and Raghvir Singh @ Gopi with her own free will and without any coercion or pressure from any corner and same is found to be genuine.

Further, retired SI Nirmal Singh also suffered statement that he was investigating officer of the present case. FIR No.202 dated 13.09.2016, under Sections 323, 324, 148, 149 of Indian Penal Code, Police Station City Jagraon, District Ludhiana was registered against Jagraj Singh @ Raju, Manvir Singh @ Krishan, Parveer Singh @ Sunny, Jagroop Singh and Raghvir Singh @ Gopi by complainant Gagandeep Singh (now deceased). The mother of complainant Karamjit Kaur has filed the petition under Section 4892 Cr.P.C before the Hon'ble Punjab and Haryana High Court, Chandigarh. Now, with the intervention of the respectable persons, compromise is effected between the petitioners/accused and the applicant/Karamjit Kaur (mother of deceased/complainant) has filed petition under Section 482 Cr.P.C for quashing the above-said FIR on the basis of compromise. There are two complainants/victims namely Gagandeep Singh and Karamjit Kaur wife of Late Baljit Singh in the present FIR. Except the above-said accused persons, there is no other respondents/accused persons in the present FIR. No accused is a proclaimed offender in the present case. No accused is involved in any other FIR in Police Station City Jagraon.

So, the point-wise re port as desired by Hon'ble Punjab and Haryana High Court is as follows:-

- i. As per statements of the parties as well as investigating officer, there is five arrayed accused namely Jagraj Singh @ Raju, Manvir Singh @ Krishan, Parveer Singh @ Sunny, Jagroop Singh and Raghvir Singh.*
- ii. No accused is declared proclaimed offender in the*

present case.

iii. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

iv. Accused are not involved in any other FIR.

v. As per the statement of investigating officer, Gagandeep Singh (now deceased) and Karamjit Kaur wife of Late Baljeet Singh are complainants/victims in the present case.

Accordingly, report is being submitted to your good-self for further proceedings.

Submitted please.”

Learned counsels appearing for the respective parties submits that the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR as well as cross G.D. alive, hence, the same may kindly be quashed on the basis of said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR as well as cross G.D. in question on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before 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 joint prayer of the parties for quashing the FIR as well as cross G.D. in question on the basis of the compromise.

Thus, the FIR No.202 dated 13.09.2016 registered under Sections 323, 324, 148, 149 IPC at Police Station City Jagraon, District

Ludhiana Rural as well as the cross case G.D. No.22 dated 13.09.2016 registered under Sections 451, 323, 325 and 34 IPC at Police Station City Jagraon, District Ludhiana and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as DDR, will be subject to the payment of Rs.15000/- as cost in each petition to be paid by the petitioners, to Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

November 09, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No