

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-36055-2020 (O & M)
Date of Decision: September 13, 2021**

BHANA SINGH @ BHANA RAM AND ORSPETITIONERS

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sandeep Gahlawat, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Rishu Nijhawan, Advocate
for the respondent No.2.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

CRM-27839-2021

This application is for placing on record the copy of the order dated 15.03.2021 passed in CRM-M-33451-2021 as Annexure P-10.

For the reasons stated in the application, the same is allowed and copy of the order dated 15.03.2021 passed in CRM-M-33451-2021 is taken on record as Annexure P-10.

Main case

On 06.11.2020, a Coordinate Bench of this Court had passed the following order:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this petition is for quashing of FIR No.174 dated 24.06.2019, under Sections 148, 149, 323, 324, 506 IPC (Sections 325 and 307 IPC added subsequently), registered at Police Station Kalayat, District Kaithal (Annexure P-1), along with consequential proceedings arising therefrom on the basis of a compromise dated 10.10.2020 (Annexure P-3), arrived at between the parties.

Learned counsel for the petitioners submits that two of the five accused namely Vikram Singh and Bablu sons of Pritam have been found innocent during investigation. Therefore, they are not arrayed as parties in this petition.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent no.1-State.Advance copy of the paper book stands served. Learned State counsel, on instructions of Sub-Inspector Ramesh, verifies that Vikram Singh and Bablu sons of Pritam have been found innocent during investigation.

Mr. Rishu Nijhawan, Advocate appears and accepts notice on behalf of respondents no.2 to 5. He affirms and verifies the factum of settlement between the parties. Advance copy of the paper book stands served.

Accordingly, the parties are directed to appear before the learned trial Court/Illaqa/Duty Magistrate on 25.11.2020, for recording of their statements in regard to the settlement.

The learned trial Court/Illaqa/Duty Magistrate shall, on 25.11.2020 or any other date fixed by it, in case the statements cannot be recorded on that day, record the statement of the petitioners and respondents no.2 to 5 as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial Court/Illaqa/Duty Magistrate.

Learned trial Court/Illaqa/Duty Magistrate, shall send its report regarding the genuineness of compromise along with statements of the parties before the date fixed. Total number of accused persons and the affected persons be detailed. Information regarding conviction/involvement of any of the accused in any other case, whether they are proclaimed offenders or pendency of such proceedings be indicated in the report.

All the protocols prescribed due to the outbreak of the pandemic COVID-19, shall be maintained meticulously during the process, by all the parties.

List on 01.02.2021.”

Learned counsel for the petitioners contends that it is a case of version and cross-version in which injuries were received by both the sides. Parties were also involved in another matter, which has also been compromised. FIR No.14 dated 26.02.2016 registered by the daughter of petitioner No.1 against the family members of respondents has been quashed by the Coordinate Bench of this Court in CRM-M-33451-2020 on 15.03.2021.

The report of JMIC, Kaithal dated 14.12.2020 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine and without any coercion or undue influence.

In view of the mandate of the Hon'ble Supreme Court in the case of *Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466*, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No.174 dated 24.06.2019, under Sections 148, 149, 323, 324, 506 IPC (Sections 325 and 307 IPC added subsequently), registered at Police Station Kalayat, District Kaithal and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s).

Pending application, if any, shall stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 13, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No