

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232) CRM-M-33080-2019
Date of Decision : November 24, 2021

Harman Singh and others .. Petitioners

Versus

State of Punjab and another .. Respondents

(232-A) CRM-M-34239-2019

Gurjit Singh .. Petitioners

Versus

State of Punjab and another .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Thakur, Advocate, for the petitioners,
(in CRM-M-33080 of 2019) and for respondent No. 2
(in CRM-M-34239 of 2019).

Mr. Monty Goyal, Advocate for
Mr. Surinder Sharma, Advocate, for the petitioner,
(in CRM-M-34239-2019) and for respondent No. 2
(in CRM-M-33080-2019).

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 for which the FIR in question as well as the cross case were registered.

Present two petitions, which have been filed for quashing of FIR No. 96, dated 27.06.2019, registered under Sections 323, 324, 326, 34 IPC at Police Station Adampur, District Jalandhar (Rural) as well as cross

case being DDR No. 28 dated 27.06.2019 registered under Sections 323, 324, 34 IPC at Police Station Adampur, District Jalandhar (Rural) 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 16.09.2021 had passed the following order:-

“CRM-29194-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM No. M-33080-2019, which stands adjourned to 10.11.2021.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Surinder Sharma, Advocate, who also appears through video conferencing, accepts notice on behalf of respondent No. 2. Learned State counsel as well as learned counsel for respondent No. 2 raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the hearing of the main petition i.e. CRM No. M-33080-2019 is preponed from 10.11.2021 to today.

CRM-29207-2021

Present application has been filed to amend the head note of CRM No. M-33080 of 2019 so as to include Section 326 IPC as well, which could not be mentioned inadvertently.

Keeping in view the facts and circumstances mentioned in the application, which are duly supported by an affidavit, the application is allowed. Head note of CRM No. M-33080 of 2019 is allowed to be amended by including Section 326 IPC.

CRM-M-33080-2019

Present petition has been filed for quashing of FIR No. 96, dated 27.06.2019, registered under Sections 323, 324, 326,

34 IPC at Police Station Adampur, District Jalandhar (Rural), on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise dated 11.07.2019, a copy of which has been appended as Annexure P-2 with this petition, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

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

Mr. Surinder Sharma, 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 24.11.2021.

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 12.10.2021 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 and all the victims/complainants are party to the compromise in question.

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 FIR is to be quashed.”

A report has come from Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Jalandhar, addressed to the Registrar General of this Court dated 11.11.2021 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 except petitioner No. 1 Harman Singh in CRM No. M-33080 of 2019, who is involved in another FIR No. 186 of 2020. The said report is as under:-

“Further, I have also examined the parties in person and I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter. As such, in view of the statements of the parties as well as after their examination in the Court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence. It is also submitted that there are three persons arrayed as accused in the FIR. It is also submitted that any accused is not proclaimed offender. It is also submitted that accused Harman Singh is involved in another FIR No. 186/2020 registered at P.S. Bhogpur. It is also submitted that as per statement of IO there is only one victim/complainant in the present FIR and he is party to the compromise in question.”

Learned counsel for the petitioners in CRM No. M-33080 of 2019 submits that petitioner No. 1 Harman Singh has been involved in FIR No. 186 of 2020 only on the basis of disclosure statement of co-accused therein, which allegations are yet to be proved during the trial.

Learned counsel appearing for the respective parties submit that the parties in the present case and the cross-case have already compromised the matter and therefore, on the basis of the said compromise, the FIR as well as cross case being DDR No. 28 dated 27.06.2019 in question, the details of which have been given hereinbefore, may kindly be quashed.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Jalandhar and does not raise any objection, in case the FIR as well as cross version case in question are 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 FIR as well as cross version case 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 except petitioner No. 1 Harman Singh, this Court is inclined to accept the joint prayer of the parties for quashing the FIR No. 96 dated 27.06.2019 as well as cross DDR No. 28 dated 27.06.2019 on the basis of the compromise.

Thus, the FIR No. 96, dated 27.06.2019, registered under

Sections 323, 324, 326, 34 IPC at Police Station Adampur, District Jalandhar (Rural) as well as cross case being DDR No. 28 dated 27.06.2019 registered under Sections 323, 324, 34 IPC at Police Station Adampur, District Jalandhar (Rural) and all other subsequent proceedings arising therefrom are quashed on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as cross DDR No. 28 dated 27.06.2019, will be subject to the payment of Rs.15,000/- as cost in each petition by the petitioners, to be deposited with 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 24, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No