

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(236-A)

CRM-M-36196-2019

Date of Decision : September 06, 2021

Ravinder Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(236)

CRM-M-36194-2019

Kundan Lal and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Dhivya Jerath, Advocate, for the petitioners.
(in CRM-M-36196-2019).

Mr. Rohit Aggarwal, Advocate, for the petitioners.
(in CRM-M-36194-2019).

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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

Present two petitions, which have been filed for quashing of FIR No.0105 dated 10.07.2019 registered under Sections 323, 341, 506, 148, 149, 325 and 326 of the IPC at Police Station Bullowal, District Hoshiarpur as well as the cross DDR No.023 dated 21.07.2019 registered

under Sections 323, 324, 148 and 149 of the IPC at Police Station Bullowal, District Hoshiarpur and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 30.08.2019 had passed the following order:-

“Prayer in CRM-M-36194-2019 is for quashing of DDR No.23 dated 21.07.2019 under Sections 323, 324, 148, 149 IPC, Police Station Bullowal, District Hoshiarpur, registered in FIR No.105 dated 10.07.2019 under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Bullowal, District Hoshiarpur and prayer in CRM-M-36196-2019 is for quashing of the aforesaid FIR No.105 as well as all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion for 25.11.2019.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1 while Ms. Dhivya Jerath, Advocate has appeared on behalf of respondents No.2 & 3 in CRM-M-36194- 2019 and Mr. Rohit Aggarwal, Advocate has accepted notice on behalf of respondents No.2 & 3 in CRM-M-36196-2019.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement within a period of 30 days from today.

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

- 1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is proclaimed offender, and*
- 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.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A photocopy of this order be placed on the file of connected case.”

A report has come from Judicial Magistrate Ist Class, Hoshiarpur, addressed to the Registrar General of this Court dated 04.02.2020 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.

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 DDR 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 DDR 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 DDR on the basis of the compromise.

Thus, the FIR No.0105 dated 10.07.2019 registered under Sections 323, 341, 506, 148, 149, 325 and 326 of the IPC at Police Station Bullowal, District Hoshiarpur as well as the cross DDR No.023 dated 21.07.2019 registered under Sections 323, 324, 148 and 149 of the IPC at Police Station Bullowal, District Hoshiarpur 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 costs in each petition by the petitioners, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9- C, Chandigarh.

September 06, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No