

In the High Court of Punjab and Haryana at Chandigarh

267-2

CRM-M-520-2021 (O & M)

Date of Decision: September 13, 2021

CHANDI RAM AND ORS

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rishu Nijhawan, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr.Sandeep Gahlawat, Advocate for the respondent No.2.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

On 08.01.2021, a Coordinate Bench of this Court had passed the following order:-

“Case has been heard through video conferencing on account of COVID-19 Pandemic.

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of DDR No.2 dated 25.6.2019 Police Station Kalayat relating to cross-version in FIR No.174 dated 24.6.219 registered under Sections 323, 324, 34 IPC at Police Station Kalayat, District Kaithal on the basis of compromise dated 10.10.2020 (Annexure P-2).

Counsel for the petitioner submitted that in the main FIR relating to this case, the opposite party has already

moved similar petition seeking its quashing and the same is now fixed for 1.2.2021. The copy of the concerned order is Anneuxre P-6. As per the petitioners, Robin, Ashok and Parvesh were placed in column No.2 of the challan presented in the Court, as they were found innocent during the investigation of the case.

Notice of motion.

At this stage, Ms. Amandeep Kaur, Advocate on behalf of Mr.Sandeep Gahlawat, Advocate has accepted notice on behalf of respondents No.2 to 4. The counsel for the respondents made prayer to file proper power of attorney in the Registry within next 7 days. Ordered accordingly. Ms. Amandeep Kaur, Advocate has pleaded no objection if the petition is allowed on the basis of aforestated compromise.

On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana has accepted notice on behalf of respondent No.1. The State counsel submitted that challan has already been presented agaisnt all the petitioners. He further stated on the basis of instructions given by SI Satpal that 3 persons namely Robin, Ashok and Parvesh are found innocent by the police during investigation.

In these circumstances, the parties are directed to appear before the learned trial court/Illaqa Magistrate on **18.1.2021** and to get record their statements regarding compromise and after recording their statements, learned

trial Court/Illaq Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Stage of the trial/proceedings.
4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

To come up on **1.2.2021** for awaiting the report.

To be heard along with **CRM-M-36055-2020**.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

The report of JMIC, Kaithal dated 22.01.2021 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.

It is a case of version and cross-version in which injuries were received by both the sides, which has now been resolved and the matter has been compromised.

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 DDR No.2 dated 25.6.2019 Police

Station Kalayat relating to cross-version in FIR No.174 dated 24.6.2019 registered under Sections 323, 324, 34 IPC at Police Station Kalayat, District Kaithal and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s).

(ANUPINDER SINGH GREWAL)
JUDGE

September 13, 2021
A.Kaundal

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