

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.116+219+222

**CRM-24870-2021 in
CRM-M-44178-2019
Date of Decision: 05.10.2021**

PARDEEP KUMAR AND OTHERS

... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

2.

CRM-M-54101-2019

SUNIL KUMAR @ BUNTY AND OTHERS

... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhupinder Kumar Gupta, Advocate
for the applicant-petitioners in CRM-M-44178-2019
and for complainant in CRM-M-54101-2019.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Sumit Kalyan, Advocate
for respondent No.2 in CRM-M-44178-2019 and
for petitioners in CRM-M-54101-2019.

(through video conferencing)

Harsimran Singh Sethi, J.(Oral)

CRM-24870-2021 in CRM-M-44178-2019

The present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-44178 of 2019, which stands adjourned to 02.11.2021.

Notice of the application to the counsel opposite.

Mr. Ramdeep Partap Singh, learned Deputy Advocate General,

Punjab, accepts notice on behalf of respondent No.1-State and Mr. Sumit Kalyan, Advocate, also accepts notice on behalf of respondent No.2 and they raise no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of the parties, the application is allowed and hearing of the main petition i.e. CRM-M-44178 of 2019 is preponed from 02.11.2021 to today and is taken up for hearing.

Main Cases

By this common order, two petitions i.e. CRM-M-44178 of 2019 and CRM-M-54101 of 2019 are being disposed of as these petitions arise out of the same incident.

Present two petitions have been filed for quashing of FIR No.216 dated 21.09.2017 registered under Sections 323, 324, 341, 506, 148 and 149 of IPC at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar, Punjab as well as further for quashing of General Diary No.25, dated 23.09.2017 vide which Section 326 IPC has been added later on as well as the cross DDR No.44 dated 21.09.2017 in FIR No.216 dated 21.09.2017, registered under Sections 323, 324, 341, 506, 148 and 149 of IPC at Police Station Sadar Jalandhar, District Jalandhar, Punjab and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

Learned counsel appearing on behalf of respective parties submit that the parties have already compromised their dispute by reducing the same into writing, a copy of which has been appended alongwith the petitions.

The co-ordinate Bench of this Court directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded so as to

verify the genuineness of the compromise between the parties and also to ascertain whether all the parties to the dispute i.e. the victims and the accused have compromised their dispute so that, the prayer of the petitioners for quashing of the FIR as well as the cross DDR in question is considered.

The Coordinate Bench of this Court while issuing notice of motion on 17.10.2019 had passed the following order in CRM-M-44178 of 2019:-

“The present petition has been filed for quashing of FIR No.216, dated 21.09.2017 registered under Sections 323, 324, 341, 506, 148, 149 of IPC at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar, Punjab and all subsequent proceedings on the basis of compromise.

Notice of motion.

On asking of the Court, Mr.Harbir Sandhu, AAG, Punjab accepts notice on behalf of the State.

Mr. Sumit Kalyan, Advocate accepts notice on behalf of the complainant-respondent No. 2. Learned counsel for the petitioner(s) is directed to hand over a copy of the petition to the opposite counsels during the course of the day.

Let the parties now appear before the Trial Court/Illaq Magistrate on 15.11.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioner(s) has been declared Proclaimed Offender in this case or not.

Adjourned to 02.03.2020.”

Similar order was passed by the co-ordinate Bench on 19.12.2019 in CRM-M-54101 of 2019.

A report dated 25.11.2019 has been received from the District and

Sessions Judge, Jalandhar to Registrar General of this Court wherein, it has been mentioned that keeping in view the statements rendered by the respective parties, compromise is genuine, voluntarily and the statements are not the result of any pressure or coercion and none of the petitioners or the accused have been declared as proclaimed offender as well as that all the accused and the victims are party to the compromise. The relevant part of the report is as under:-

“On 15.11.2019, respondent No.2 namely Sunil Kumar @ Banti appeared and made statement that, he has arrived at compromise with petitioners/accused Pardeep Kumar, Austin, Mandeep @ Suraj, Baljit, Vijay Kumar and Kuldip, voluntarily and without any pressure from any side. He has no objection, if abovesaid FIR No.216 dated 21.09.2017 is quashed by the Hon'ble High Court. Similar statements were made by all the petitioners/accused.

Keeping in view all aspects & statements of both the parties, the requisite information, as sought for, is submitted as under:

- 1) The compromise is genuine, voluntary and statements are not the result of any pressure or coercion.*
- II) None for the petitioners/accused has been declared proclaimed offender.*

Report is submitted with regards.”

Learned counsel appearing for the respective parties submit that the parties have already entered into compromise so as to live peacefully and will abide by the laws and conditions of the said compromise hence, no useful purpose will be served in keeping the FIR as well as DDR alive, therefore, 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 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 prayer for quashing of FIR as well as the cross DDR in question on the basis of the compromise.

Thus, FIR No.216 dated 21.09.2017 registered under Sections 323, 324, 341, 506, 148 and 149 of IPC at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar, Punjab and General Diary No.25, dated 23.09.2017 vide which Section 326 IPC has been added later on as well as the cross DDR No.44 dated 21.09.2017 in FIR No.216 dated 21.09.2017, registered under Sections 323, 324, 341, 506, 148 and 149 of IPC at Police Station Sadar Jalandhar, District Jalandhar, Punjab and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing the FIR as well as the cross DDR, will be subject to the payment of Rs.15000/- as cost in each petitions 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 by the petitioners.

(HARSIMRAN SINGH SETHI)
JUDGE

05.10.2021

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No