

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

THROUGH VIDEO CONFERENCING

Date of Decision: 2.12.2021

I.

CRM-M-48005-2019

Pal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

II.

CRM-M-48030-2019

Shakuntla Devi and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Ankit Kharbanda, Advocate,
for the petitioners in CRM-M-48005-2019 and
for respondent No.2 in CRM-M-48030-2019.

Mr. S.S.Arora, Advocate,
for the petitioners in CRM-M-48030-2019 and
for respondent No.2 in CRM-M-48005-2019.

Mr. A.S. Dhaliwal, DAG, Punjab.

KARAMJIT SINGH, J.

This order will dispose of the aforesaid two petitions as they
are arising out of the same FIR.

Prayer in these petitions is for quashing of FIR No.128 dated
9.8.2018 registered under Sections 323, 324, 341, 148, 149 IPC and cross
case registered vide DDR No.26 dated 22.8.2018 under Sections 324, 341,

on the basis of compromise dated 5.10.2019 (Annexure P-3).

The above stated FIR (in CRM-M-48005-2019) was registered on the statement of the complainant/respondent No.2-Mukesh Kumar wherein it was alleged that on 8.8.2018, the petitioners (accused persons) attacked him and respondents No.3 and 4 and caused injuries to all of them.

DDR No.26 dated 22.8.2018 was recorded (in CRM-M-48030-2019) on the basis of statement of respondent No.2-Pal Singh alias Raju in which he alleged that on 8.8.2018, the petitioners (accused persons) attacked him and respondent No.3-Prem Pal alias Prem Pal Singh and caused injuries to them.

On notice of motion, respondent No.2 appeared in the Court through his counsel in both the cases and pleaded that they have no objection if the FIR in this case and cross case are quashed on the basis of the aforesaid compromise which has been effected between the parties.

Kartik son of Mathura Ram who is party in both the petitions, has been impleaded through his mother Shakuntala Devi-respondent No.4 (CRM-M-48005-2019), he being minor at the time of filing of the present petition. As per copy of Aadhar Card, Kartik was born in 2003.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate, 1st Class, Amritsar along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondents No.2 in both the cases are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

From the perusal of the report submitted by the Court concerned, it appears that Kartik had not appeared in the said Court to get record his statement. Counsel for the parties submitted that he being minor, there was no need to record his statement as he is being represented by his mother Shakuntala Devi. Counsel for the parties further contended that on behalf of Kartik, his mother Shakuntala Devi is competent to enter into compromise and accordingly, she made statement before the Court concerned.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, both these petitions are allowed and FIR No. 128 dated 9.8.2018 registered under Sections 323, 324, 341, 148, 149 IPC and

cross case registered vide DDR No.26 dated 22.8.2018 under Sections 324, 341, 34 IPC in the aforesaid FIR at Police Station Islamabad, District Amritsar and all the subsequent proceedings are hereby quashed qua the petitioners in both the petitions.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-3 in letter and spirit.

(**KARAMJIT SINGH**)
JUDGE

December 2, 2021

Paritosh Kumar

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