

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

CRM-M-35287-2019 (O&M)

Date of Decision: 25.07.2022

Gurbachan Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shranav Katyal, Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Kamalpreet Bawa, Advocate, for respondents No.2 to 4.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking quashing of DDR No.32 dated 11.07.2019 registered against them under Sections 324/323/148/149 IPC in FIR No.90 dated 11.07.2019 at Police Station Kot Ise Khan, Moga, under Sections 324/323/452/148/149 IPC (Section 326 IPC added later on) and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. It may here be mentioned that the present case is a cross-version arising out of FIR No.90 dated 11.07.2019. Since the parties have amicably resolved their issues, therefore, both the parties have filed separate petitions before this Court i.e. the instant petition for quashing of DDR and another petition i.e. CRM-M-34929-2019 for quashing of FIR and in both the petitions directions had been issued to the parties vide

common order dated 28.08.2019 to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.

3. In compliance thereof, both the parties had appeared before the Illaqa Magistrate and had got their statements recorded qua the compromise i.e. in respect of FIR as well as cross-version and hence a common report of learned Judicial Magistrate Ist Class, Moga, has been received, which is annexed with CRM-M-34929-2019. Registry to place a photocopy of the said report in the instant petition as well.
4. In the report, learned Judicial Magistrate Ist Class, Moga has reported that the statements of accused/petitioners No.2 & 3, namely, Baljeet Singh and Judge Singh and also of complainant Surjit Singh, have been recorded to the effect that they have compromised the matter amongst themselves. Petitioner No.1-Gurbachan Singh is stated to have expired on 23.11.2019.
5. Complainant Surjit Singh in his statement has stated that he has no objection in case the DDR in question is quashed.
6. The learned Judicial Magistrate Ist Class, Moga, has specifically opined that the parties have entered into compromise voluntarily, out of free will of the complainant and without any inducement or pressure from the petitioner/accused.
7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and DDR No.32 dated 11.07.2019 registered under Sections 324/323/148/149 IPC in FIR No.90 dated 11.07.2019 at Police Station Kot Ise Khan,

Moga, under Sections 324/323/452/148/149 IPC (Section 326 IPC added later on) and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners No.2 & 3.

(GURVINDER SINGH GILL)
JUDGE

25.07.2022

Vimal

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**