

271

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

**CRM-M-43135-2019
Date of Decision: 01.08.2022**

Modan Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CRM-M-43144-2019 (O&M)

Jaspal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Sekhon, Advocate,
for the petitioners (in CRM-M-43135-2019),
for respondent No.2 (in CRM-M-43144-2019).

Mr. Vikas Sonak, Advocate,
for the petitioners (in CRM-M-43144-2019)
for respondent Nos.2 & 3 (in CRM-M-43135-2019).

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 482 of the Code of Criminal Procedure and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions were filed for quashing of FIR/DDR based upon the compromise which was the case of the version and the cross-version.

CRM-M-43135-2019 was filed for quashing of FIR No.06, dated 11.01.2018, registered under Sections 324, 323, 148 & 149 IPC at Police Station Sadar Kotkapura, District Faridkot.

CRM-M-43144-2019 was filed for quashing of DDR No.38, dated 11.01.2018, registered under Sections 324, 148 & 149 IPC registered at Police Station Sadar, Kotkapura, District Faridkot (Annexure P-1) in FIR No.06, dated 11.01.2018, registered under Sections 324, 323, 148 & 149 IPC at Police Station Sadar Kotkapura, District Faridkot (Annexure P-2).

Learned counsel appearing on behalf of the petitioners in CRM-M-43135-2019 has submitted that it is a case where the parties fought with each other after consuming some liquor and thereafter, some injuries were caused to both the parties and that is why the case and cross-case were registered as FIR/DDR. He further submitted that thereafter, the matter has been compromised between the parties with the intervention of respectables and therefore, no useful purpose will be served in case further proceedings are carried on especially in view of the fact that the petitioners and the private respondents are not involved in any other case and they have got clean antecedents and that the present matter does not fall in the category of serious and heinous offence. He further submitted that even the police has moved a cancellation report before the learned Illaqa Magistrate in this regard. He also submitted that in pursuance of the orders passed by this Court on 14.10.2019 as well as on 07.12.2019, all the parties have appeared before the learned Illaqa Magistrate/trial Court and the statements of the parties have been recorded in both the cases.

In view of the aforesaid position, both the learned counsels for the petitioners in both the cases have submitted that the FIR and DDR may be quashed based upon the compromise.

Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has

stated that it is correct that the police had recommended the cancellation report in both the cases.

Mr. Vikas Sonak, Advocate for the petitioners in CRM-M-43144-2019 and for respondent Nos.2 & 3 in CRM-M-43135-2019 has submitted that it is correct that the matter has since been compromised between the parties and all the parties have no objection in case the FIR and DDR are quashed based upon the compromise.

I have heard the learned counsel for the parties.

These are two cases, one is for quashing of the FIR and another which is a cross-version, is for quashing of the DDR based upon the compromise. This Court vide orders dated 14.10.2019 and 07.12.2019 had directed the parties in both the cases to appear before the learned trial Court/Illaq Magistrate for recording the statements of the parties for the purpose of ascertaining the authenticity and voluntariness of the compromise. A report has been received from the learned CJM, Faridkot whereby, it has been reported with regard to both the aforesaid cases that the parties have got their statements recorded that the compromise has been effected with the intervention of the respectables and the same is genuine and voluntary and without any coercion or undue influence. The complainant/injured have also got their statements recorded and the statement of HC Gurcharan Singh has also been recorded. In the report, it has been specifically stated that the compromise is genuine and voluntary and without any coercion or undue influence and there is no other person involved in the occurrence who is not party to the present petition.

Both the learned counsels for the petitioners have submitted

before this Court that the dispute arose because of some quarrel on the spot due to which some injuries were caused to the parties and all the parties are not involved in any other case and they are having clean antecedents. A perusal of the allegations would show that the matter does not fall in the category of serious or heinous offence and as per the report of the learned Illaqa Magistrate/trial Court, the compromise is genuine and voluntary and without any coercion or undue influence.

Therefore, in view of the law laid down by the Hon'ble Supreme Court in “State of Madhya Pradesh Vs. Laxmi Narayan and others”, 2019 (2) SCC (Crl.) 706 and also in “Gian Singh Vs. State of Punjab and another”, 2013(1) SCC (Crl.) 160 and Full Bench judgment of this Court in “Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052,” this Court is of the view that no useful purpose will be served in case the further proceedings are carried on considering the facts and circumstances of the present case, especially in view of the fact that the present case does not fall in the category of serious or heinous offence. Therefore, the present FIR and DDR are liable to be quashed based upon compromise.

Consequently, both the petitions are allowed. FIR No.06, dated 11.01.2018, registered under Sections 324, 323, 148 & 149 of the IPC at Police Station Sadar Kotkapura, District Faridkot and DDR No.38, dated 11.01.2018, registered under Sections 324, 148 & 149 of the IPC registered at Police Station Sadar, Kotkapura, District Faridkot in FIR No.06, dated 11.01.2018, registered under Sections 324, 323, 148 & 149 of the IPC at Police Station Sadar Kotkapura, District Faridkot with all consequential

proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioners.

01.08.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |