

CRM-M-1294 of 2020 and CRM No. M-51253 of 2019

2023:PHHC:090395

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 260)

(1)

CRM-M-1294 of 2020

Date of Decision :-18.07.2023

Jaswinder Singh @ Minta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(2)

CRM-M-51253-2019

Jatinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gian Chand Garg, Advocate for the petitioners
(in CRM-M-1294-2020).

Mr. Ramanjeet Singh, Advocate for the petitioners
(in CRM-M-51253-2019).

Mr. Harpreet Singh, Additional Advocate General, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

By this common order, two petitions are being disposed of as
these petitions arise out of the same incident and same FIR.

Present two petitions, which have been filed for quashing of
FIR No. 82 dated 30.08.2012, registered under Sections 307, 324, 295-A,
148, 149 IPC at Police Station Division No. 1, Ludhiana, District Ludhiana

and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties dated 09.10.2019 (Annexure P-3).

On 15.01.2020, a Coordinate Bench of this Court had passed the following order:-

“Today, at the very outset, learned counsel for the petitioners submits that although an offence under Section 307 of IPC was also mentioned in the FIR but upon investigation the said offence has been deleted.

The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 5.5.2020.

At this stage, Mr. Ramanjeet Singh, Advocate has today put in appearance on behalf of respondent No.2 and has submitted that he will power of attorney before the next date of hearing.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 3.3.2020 for getting their statements recorded qua the factum of compromise.

The Illaqa Magistrate/trial Court is directed to submit its report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:-

- 1. Whether there is any other accused other than the petitioners,
arrayed in this petition?*
- 2. Whether there is any other complainant or affected/*

aggrieved party other than the respondents, arrayed in the petition?”

Separate report dated 29.06.2020 in both these petitions has come from Judicial Magistrate Ist Class, Ludhiana addressed to the Registrar of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said reports, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report dated 29.06.2020 is as under:-

“From the statements of the parties recorded, it appears to the Court that the parties have entered into compromise without any pressure, coercion and same have been done with the free consent of the parties.”

As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIRs in question on the basis of the compromise dated 09.10.2019 (Annexure P-3).

It may be noticed that Section 307 IPC has already been deleted after investigation.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as 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

pending against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No. 82 dated 30.08.2012, registered under Sections 307, 324, 295-A, 148, 149 IPC at Police Station Division No. 1, Ludhiana, District Ludhiana 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 of FIR as well as cross case will be subject to the payment of Rs.10,000/- as cost in each petition by the petitioners, to be deposited with Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children's Home) QQ 2C+437, 15C, Sector-15, Chandigarh, 160015 by the petitioners.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No