

CRM-M-4173-2023 along with
CRM-M-4543-2023

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273 (2 Cases)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 16.03.2023

(I) CRM-M-4173-2023

Hans Raj and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

(II) CRM-M-4543-2023

Kewal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioners (in CRM-M-4173-2023) and
for respondents No.2 and 3 (in CRM-M-4543-2023).

Mr. M.K. Bali, Advocate for
Mr. Jaskamal Singh Grewal, Advocate
for the petitioners (in CRM-M-4543-2023) and
for respondent No.2 (in CRM-M-4173-2023).

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

This order shall dispose of two petitions, i.e.
CRM-M-4173-2023, filed for quashing of FIR No.104 dated 02.06.2020,
under Sections 323 and 341 of the Indian Penal Code, registered at Police
Station Garhshankar, District Hoshiarpur, Punjab and CRM-M-4543-2023,
filed for quashing of cross case, being DDR No.23 dated 02.06.2020, under

Sections 323, 452 read with Section 34 of the Indian Penal Code, registered at Police Station Garhshankar, District Hoshiarpur, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.08.2021 arrived at between the parties.

Vide orders dated 31.01.2023, passed in CRM-M-4173-2023 and CRM-M-4543-2023, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the compromise.

In compliance thereof, the Sub Divisional Judicial Magistrate, Garhshankar, has submitted two separate reports vide letter bearing No.501 dated 04.03.2023 in CRM-M-4173-2023 and letter bearing No.498 dated 04.03.2023 in CRM-M-4543-2023, which indicate that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report received in CRM-M-4173-2023 is reproduced as under:-

“ - x - x - x -

On the subject cited above in view of the order passed by Hon'ble High Court in above case the compliance report regarding compromise is as under :-

(a). Sh Pankaj Kirpal Advocate, Civil Court Garhshankar suffered statement :-

"I produce and identify complainant party Kewal in above mentioned FIR"

(B). Complainant party Kewal suffered statement :-

"Stated that I have compromised with the accused in the above said FIR.

1. There are four accused in this FIR. Except me there

is no other complainant or aggrieved party in this case.

2. No accused is P.O in this FIR nor any such proceedings have been initiated or pending.

3. Cancellation report has been filed in the Court.

4. The compromise is genuine, voluntary and without any coercion or undue influence with free consent. I have no objection if FIR is quashed against the accused.

5 Compromise has been signed by Kewal, Hans Raj, Sandeep Kumar along with marginal witnesses."

(C) Accused

1 Hans Raj

2 Sandeep Kumar

3 Jaswinder Kaur

4 Parshotam Lal suffered joint statement:-

"Stated that accused have compromised with opposite party. The compromise is voluntary with free consent.

1. There is four accused in this FIR as mentioned above.

2. No accused is P.O in this FIR nor any such proceedings have been initiated or pending.

3 Cancellation report has been filed in the Court.

4. The compromise is genuine, voluntary and without any coercion or undue influence with free consent.

5 Compromise has been signed by Kewal, Hans Raj, Sandeep Kumar along with marginal witnesses."

(D) SI Rakesh Kumar No.633/HPR PS Garhshankar Investigating Officer has suffered a statement:-

"Stated that I am investigating officer of this case. There is one complainant/aggrieved party in this case namely Kewal. Accused are not involved in any other case as per my record."

I am satisfied that the statement has been made

by parties in the Court with free consent voluntarily and without undue influence fear. The original statement of persons as mentioned above is attached alongwith.

- x - x - x - ”

Relevant extract of the report received in
CRM-M-4543-2023 is reproduced as under:-

“ - x - x - x -

On the subject cited above in view of the order passed by Hon'ble High Court in above case the compliance report regarding compromise is as under:

(a). Sh Pankaj Kirpal Advocate, Civil Court Garhshankar suffered statement:-

"I produce and identify complainant party- Hans Raj and Jaswinder Kaur in above mentioned DDR"

(B). Complainant party Hans Raj and Jaswinder Kaur suffered joint statement:-

"Stated that we have compromised with the accused in the above said DDR

1. There are three accused in this DDR. Except us there is no other complainant or aggrieved party in this case.

2. No accused is P.O in this DDR nor any such proceedings have been initiated or pending.

3. Cancellation report has been filed in the Court.

4. The compromise is genuine, voluntary and without any coercion or undue influence with free consent, we have no objection if DDR is quashed against the accused.

5. Compromise has been signed by Kewal, Hans Raj, Sandeep Kumar along with marginal witnesses."

(C) Accused

1 Kewal

2 Harbhajan @ Bhajan

3 Charanjit Kaur @ Asha suffered joint statement:-

"Stated that accused have compromised with opposite party. The compromise is voluntary with free consent.

1. There is three accused in this DDR as mentioned above.

2. No accused is P.O in this FIR nor any such proceedings have been initiated or pending.

3. Cancellation report has been filed in the Court.

4. The compromise is genuine, voluntary and without any coercion or undue influence with free consent.

5. Compromise has been signed by Kewal, Hans Raj, Sandeep Kumar along with marginal witnesses."

(D) SI Rakesh Kumar No.633/HPR PS Garhshankar Investigating Officer has suffered a statement:-

"Stated that I am investigating officer of this case. Complainant/aggrieved party in this case is Hans Raj and Jaswinder Kaur. Accused are not involved in any other case as per my record."

I am satisfied that the statement has been made by parties in the Court with free consent voluntarily and without undue influence fear. The original statement of persons as mentioned above is attached alongwith.

- x - x - x - "

A perusal of the said reports would show that statements of the concerned persons have been recorded in the present cases, who have stated that the matter has been compromised and they have no objection in case FIR No.104 dated 02.06.2020 and cross case, i.e. DDR No.23 dated 02.06.2020, are quashed.

Learned State counsel does not raise any serious dispute

regarding quashing of FIR No.104 dated 02.06.2020 as well as cross case,

being DDR No.23 dated 02.06.2020.

Learned counsel for respondent No.2 (in CRM-M-4173-2023) and respondents No.2 and 3 (in CRM-M-4543-2023) have again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

I have heard learned counsel for the parties and perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of "*Shakuntala Sawhney Vs. Kaushalya Sawhney*", 1979 (3) SCR 639 and "*Gian Singh Vs. State of Punjab and another*", 2012 (4) RCR (Criminal) 543, and also considering the entire facts, compromise arrived at between the parties, statements of the parties recorded before the Sub Divisional Judicial Magistrate, Garhshankar, and also his reports dated 04.03.2023, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the abovementioned judicial precedents, when the parties have entered into a compromise then continuation of the proceedings would be mere an abuse of process of the Court.

Accordingly, the present petitions are allowed and the criminal proceedings in the aforesaid FIR No.104 dated 02.06.2020, under Sections 323 and 341 of the Indian Penal Code, registered at Police Station Garhshankar, District Hoshiarpur, Punjab as well as in the cross case, being DDR No.23 dated 02.06.2020, under Sections 323, 452 read with Section 34 of the Indian Penal Code, registered at Police Station Garhshankar,

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03.08.2021 entered into between the parties. However, the same would be subject to payment of costs of Rs.10,000/- (in each case) to be deposited by the petitioner(s) with the “**Poor Patients' Welfare Fund, PGIMER, Chandigarh**” and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

Disposed of in the aforesaid terms.

All pending application(s), if any, shall stand disposed of.

Photocopy of this order be placed on the file of above mentioned connected case.

16.03.2023

Apurva

**(HARSH BUNGER)
JUDGE**

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