

233 (2 cases)

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

Date of Decision: 19.05.2023

(I) CRM-M-9536-2022

Onkar Singh and Others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

(II) CRM-M-11274-2022

Lakhwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Balbir Singh Jaiswal, Advocate
for the petitioner in CRM-M-9536-2022 &
for respondents No.2 and 3 CRM-M-11274-2022.

Mr. Rahul Sharma, Advocate
for the petitioner in CRM-M-11274-2022 &
for respondents No.2 and 3 CRM-M-9536-2022.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1/State.

HARSH BUNGER, J. (Oral)

This order shall dispose of two petitions, i.e.

(i) CRM-M-9536-2022, filed for quashing of FIR No.168 dated 27.06.2021
(Annexure P-1), registered under Sections 324, 323, 506, 148 and 149 of the
Indian Penal Code, 1860, (Section 326 IPC added later on) registered at
Police Station Beas, District Amritsar (Rural) and all the consequential
proceedings arising from the FIR on the basis of compromise deed dated

20.12.2021 (Annexure P-2) arrived at between the parties; and
(ii) **CRM-M-11274-2022**, filed for quashing of cross case, being DDR No.32 dated 28.06.2021 (or GDR No.32, dated 28.06.2021), under Sections 324, 323, 326, 148 and 149 of the Indian Penal Code, 1860 in case FIR No.168 dated 27.06.2021, under Sections 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860, (Section 326 IPC added later on) registered at Police Station Beas, District Amritsar (Rural) and all the consequential proceedings arising out of the above said FIR, on the basis of compromise deed dated 20.12.2021 (Annexure P-4) arrived at between the parties.

Vide order dated 07.03.2022 passed in CRM-M-9536-2022 and vide order dated 17.03.2022 passed in CRM-M-11274-2022, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the respective compromise deeds.

In compliance thereof, the Judicial Magistrate Ist Class, Amritsar has submitted two separate reports, vide letter bearing No.1339 dated 12.04.2022 in CRM-M-9536-2022 and letter bearing No.1340 dated 12.04.2022 in CRM-M-11274-2022, which indicate that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise deeds. 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 report received in CRM-M-9536-2022 is reproduced as under:-

“Complainant/respondent, Harjinder Kaur wife of

Lakhwinder Singh stated that FIR No. 168 dated 27.06.2021, u/s 326/34/323/148/149/506 of IPC, registered at P.S. Beas, Amritsar was got recorded on his statement, being the complainant, against five accused namely Onkar Singh, Nirvair Singh, Sakkatar Singh Hardev Singh @ Kulwant Singh and Gurdial Singh. She stated that she along with Lakhwinder Singh are the injured and affected person in the said FIR. She stated that her husband Lakhwinder Singh is admitted at Rehabilitation Center, Kapurthala. She stated that with intervention of respectables of society, she has entered into compromise with all the accused. The compromise is arrived with his own free will, without any pressure, coercion or influence from any side and she has no objection if FIR in question is quashed by the Hon'ble Punjab & Haryana High Court. Photocopy of her Aadar Card is Mark F. Copy of power of attorney is marked P.

Thereafter, statement of accused Onkar Singh, Nirvair Singh, Sakkatar Singh Hardev Singh @ Kulwant Singh and Gurdial Singh were recorded who stated that with the interventions of respectables of society, they all have entered into compromise with complainant Harjinder Kaur and injured Lakhwinder Singh. They stated that they have not been declared PO in this case or any other case and no PO proceedings are pending against them. Their Affidavits qua the same are Ex.C1 to Ex. C5 and photocopy of their Aadhar Cards are Mark A to Mark E.

Thereafter, statement of Investigating Officer ASI Balkar Singh were recorded, who stated that FIR No. 168 dated 27.06.2022, P.S. Beas Amritsar was recorded on the statement of Harjinder Kaur against five accused namely Onkar Singh, Nirvair Singh, Sakkatar Singh Hardev Singh @ Kulwant Singh and Gurdial Singh and none of them have been declared P.O in this case.

After considering statements of parties and Investigation Officer, the undersigned is of the opinion that said compromise has been entered into in between the complainant and both the injured and all the five accused

voluntarily, out of their own free will and without any pressure or coercion and the same appears to be genuine. The FIR has been registered against five accused namely Onkar Singh, Nirvair Singh, Sakkatar Singh Hardev Singh @ Kulwant Singh and Gurdial Singh and they have not been declared PO in the said case.

Relevant extract of the said report received in CRM-M-11274-2022 is reproduced as under:-

“Complainant/respondent, Satpal Singh son of Mehanga Singh and Gurdial Singh, stated that DDR No. 32 dated 28.06.2022, u/s 326/34/323/148/149 of IPC, registered at P.S. Beas, Amritsar was got recorded on the statement of Satpal Singh, being the complainant, against five accused namely Lakhwinder Singh, Harjinder Kaur, Hardial Singh Rupinder Singh Goldi and Sohan Singh. He stated that only one of them i.e. Gurdial Singh is the aggrieved/injured person in said DDR. They stated that with intervention of respectables of society, they have entered into compromise with all the accused. The compromise is arrived with their own free will, without any pressure, coercion or influence from any side and they have no objection if DDR in question is quashed by the Hon'ble Punjab & Haryana High Court. They stated that they have not been declared PO in this case or any other case and no P.O proceedings are pending against them. Photocopy of their Aadar Cards are Mark F & Mark G.

Thereafter, statement of accused Lakhwinder Singh, Harjinder Kaur wife of Lakhwinder Singh (power of attorney holder of Lakhwinder Singh i.e. accused/petitioner No.1), Hardial Singh, Rupinder Singh @ Goldi and Sohan Singh were recorded who stated that with the interventions of respectables of society, they all have entered into compromise with complainant Satpal Singh. They stated that they have not been declared P.O in this case or any other case and no P.O proceedings are pending against them. Their Affidavits qua the same are Ex.C1 to Ex C5 and photocopy of their Aadar

Cards are Mark A & Mark E. Photocopy of Power of attorney mark P.

Thereafter statement of Investigating Officer ASI Balkar Singh were recorded, who stated that DDR No. 32 dated 28.06.2022, P.S. Beas Amritsar, under Sections 326/34/323/148/149 of IPC was recorded on the statement of Satpal Singh against five accused namely Lakhwinder Singh, Harjinder Kaur wife of Lakhwinder Singh (power of attorney holder of Lakhwinder Singh i.e. accused/petitioner No.1), Hardial Singh, Rupinder Singh @ Goldi and Sohan Singh and none of them have been declared PO in this case.

After considering statements of parties and Investigation Officer, the undersigned is of the opinion that said compromise has been entered into in between the complainant and all the five accused voluntarily, out of their own free will and without any pressure or coercion and the same appears to be genuine. The DDR has been registered against five accused namely Lakhwinder Singh, Harjinder Kaur wife of Lakhwinder Singh (power of attorney holder of Lakhwinder Singh i.e. accused/petitioner No.1), Hardial Singh, Rupinder Singh @ Goldi and Sohan Singh and they have not been declared P.O in the said case.

A perusal of the said reports shows that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR No.168 dated 27.06.2021 and DDR No.32 dated 28.06.2021 are quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute regarding quashing of FIR No.168 dated 27.06.2021 and DDR No.32 dated 28.06.2021.

Learned counsel for respondents No.2 and 3 (in CRM-M-9536-

2022) and for respondents No.2 to 3 (in CRM-M-11274-2022) have reiterated that the matter has been settled and the said compromise is in the interest of all the concerned persons and would help in bringing out peace and amity between the parties.

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

In view of the judgments rendered by Hon'ble Supreme Court in *Shakuntala Sawhney v. Kaushalya Sawhney, (1979) 3 SCR 639* and *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and having appraised the broad principles for exercising the powers under Section 482 as summarized by the Hon'ble Supreme Court in the matter of *'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another' (2017) 9 SCC 641'* and upon weighing the peculiar facts and circumstances of the instant cases, this Court is inclined to invoke powers under Section 482 Cr.P.C. to quash the criminal proceedings for the following reasons:

- i. The alleged occurrence *prima facie* appears to be a result of misunderstanding between the parties over a common boundary between their fields and a common passage leading to their fields, which resulted in injuries to parties on both sides, accordingly a version and cross version cases were recorded by way of FIR No.168 dated 27.06.2021 and DDR No.32 dated 28.06.2021.
- ii. The petitioners in both petitions do not suffer any criminal antecedents and are not involved in any other

case.

- iii. The FIR and DDR in these cases date back to June, 2021 whereas the compromise was effected on 20.12.2021 and there is nothing on record to show that either before or after the purported compromise, any untoward incident transpired between the parties.
- iv. The parties are related to each other and they on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s).
- v. The complainants are not likely to support the case of the prosecution and continuation of the proceedings is likely to be a wastage of judicial time.
- vi. The object of law is well served when the parties resolve their differences and chose to peacefully co-exist and live in harmony.
- vii. The grievances having been resolved, no interest of justice would be served by forcing the petitioner to undergo rigours of criminal proceedings.
- viii. Since petitioners and complainants (in both cases i.e. FIR and DDR) are residents of the same area/town, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and continuation of the proceedings is not likely to advance any interest of

justice.

ix. The cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties.

For the reasons stated above, the present petitions are allowed and the criminal proceedings in the aforesaid FIR No.168 dated 27.06.2021 (Annexure P-1), under Sections 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860, (Section 326 IPC added later on), and DDR No.32 dated 28.06.2021 (or GDR No.32 dated 28.06.2021), under Sections 324, 323, 326 148 and 149 of the Indian Penal Code, 1860, both registered at Police Station Beas, District Amritsar (Rural) and all the consequent proceedings arising therefrom, on the basis of compromise arrived at 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 petitioners 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.

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.

19.05.2023
Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No