

CRM-M-10028-2023

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

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CRM-M-10028-2023

Date of decision : 29.05.2023

Avtar Singh and Others

.... Petitioners

V/S

State of Punjab and Others

.... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG Punjab.

Mr. Sandeep Sharma, Advocate for the respondents No. 2 and 3.

AMARJOT BHATTI J. (ORAL)

The petitioners – Avtar Singh, Lovepreet Singh alias Lovely, Balwinder Kaur, Harpreet Singh alias Prince, Kanwarpreet Singh alias Happy and Manpreet Kaur alias Nancy have filed the instant petition under Section 482 of Cr.P.C. for quashing of DDR No. 4 dated 03.04.2016, under Section 341, 323, 354-A, 149 of I.P.C. (Annexure P-2) registered at Police Station Sohana, District SAS Nagar, recorded in FIR No. 90 dated 03.04.2016 under Section 341, 323, 506, 149 of I.P.C. Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) alongwith all consequent proceedings relating thereto and arising therefrom on the basis of compromise dated 04.02.2023 (Annexure P-3).

The facts of the case are that FIR No. 90 dated 03.04.2016 was lodged on the statement of Balwinder Kaur against Jaspal Singh and others. The cross-version was recorded on the statement of Harpreet Kaur where she alleged that on 01.04.2016 at about 06:30 P.M. she came outside her house and went in the street where Happy, Lovely, Prince sons of Avtar Singh, Avtar Singh, Balwinder Kaur and Nancy waylaid her and started giving beating to her. They abused her. Happy and Prince outraged her modesty. On the alarm raised by her, people of the village started gathering there. Manga Singh (brother-in-law/Jeth of complainant) and Surjit Singh (father-in-law of complainant) reached on the spot. However, the aforesaid persons also gave beating to Manga Singh. Thereafter, all of them fled away from the spot. Manga Singh arranged a vehicle and admitted her in the hospital at Phase-6 Mohali, where she was undergoing treatment. With these allegations, present DDR has been registered.

The petitioners have filed this petition for the quashing of aforesaid DDR in main case FIR No. 90 dated 03.04.2016 on the basis of compromise. The petitioners and respondents No.2 were directed to appear before the Illaqa/Duty Magistrate for recording their statements on the basis of compromise. It is pertinent to mention here that the statement of Manga Singh who was impleaded as respondent No.3 in this petition vide order dated 09.05.2023 was also recorded before the trial Court. The detailed report regarding compromise has been received from the Court of Judicial Magistrate First Class, SAS Nagar, dated 15.03.2023. Separate statements of respondents No.2 and 3 have been recorded, where they confirmed the compromise with the petitioners. They further confirmed that this compromise is genuine, voluntary and without having any undue influence or

coercion of any type. They further stated that they have no objection regarding quashing of present DDR.

The petitioners – Avtar Singh, Lovepreet Singh alias Lovely, Balwinder Kaur, Harpreet Singh alias Prince, Kanwarpreet Singh alias Happy and Manpreet Kaur alias Nancy have also confirmed this fact in their joint statement. The statement of HC Jagatpal, No. 911/SAS Nagar, PS Sohana is also recorded who further confirmed that the accused persons are neither involved in any other criminal case nor have been declared as proclaimed offender(s).

As per the report of Judicial Magistrate First Class, SAS Nagar, the matter has been compromised between the parties. It is reported that the compromise entered between the parties is genuine, voluntary and without any coercion or undue influence. Moreover, it is a case of version and cross-version and in the main version recorded in FIR No. 90 dated 03.04.2016 under Section 341, 323, 506, 149 of I.P.C. Police Station Sohana, District SAS Nagar, Mohali, the matter has already been compromised. The learned counsel for petitioners has also placed on record copy of order dated 23.03.2023 in CRM-M-10303 of 2023 titled “Jashpal Singh and others Vs. State of Punjab and another”, as per which the FIR No. 90 dated 03.04.2016 was quashed. All the private parties belong to the same area. They have mutually settled all their disputes. This compromise will enable them to live in peace and harmony. Considering these facts, no purpose would be served with the continuation of criminal proceedings.

Therefore, the petition filed by the petitioners - Avtar Singh, Lovepreet Singh alias Lovely, Balwinder Kaur, Harpreet Singh alias Prince, Kanwarpreet Singh alias Happy and Manpreet Kaur alias Nancy is accepted and DDR No. 4 dated 03.04.2016, under Section 341, 323, 354-A, 149 of I.P.C.

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registered at Police Station Sohana, District SAS Nagar, recorded in FIR No. 90 dated 03.04.2016 under Section 341, 323, 506, 149 of I.P.C. registered at Police Station Sohana, District SAS Nagar, Mohali and all other subsequent proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

29.05.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No