

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

**CRM-M No.14000 of 2023 (O&M)
Date of decision: 25.09.2023**

Jarnail Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abdul Aziz, Advocate for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab for respondent No.1.

Mr. K.S.Siwach, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.36 dated 18.03.2021 (P-1), under Sections 323, 342, 148, 149, 500 & 506 of the Indian Penal Code, 1860 (Section 365, IPC added later on), registered at Police Station Amargarh, District Sangrur (now District Malerkotla) along with all consequential proceedings arising therefrom on the basis of compromise dated 27.02.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Sunny Singh with the allegations that on 16.03.2021 at

about 05:00 PM, his pigeon sat on the tree of *Peepal* near the house of Ranjit Kaur. At about 10:00 PM, when complainant was climbing up the tree to catch the pigeon, then Jarnail Singh, his two sons, namely, Jaswinder Singh @ Jassi & Kulwinder Singh @ Tiddi caught him; gave beatings and tried to drag into their house. When accused were dragging the complainant, Ranjit Kaur, her son-Balbir Singh @ Beer and son-in-law also gave beatings to him. Thereafter, all six persons dragged the complainant to the house of Ranjit Kaur. Thereafter, Jassi and Tiddi gave beatings with *danda*, Ranjit Kaur hit his face with slipper and son-in-law of Ranjit Kaur, armed with Iron Rod, also gave blow on his back. When accused were dragging the complainant, his trouser was pulled down; Jarnail Singh caught hold him; his son-Tiddi removed T-shirt and Jassi threw water upon the complainant with bucket. Even Jarnail Singh made his video in naked position. When the accused tried to take the complainant in a room, he escaped and ran away towards the *kotha* of Major Singh.

(3) The Coordinate Bench, while issuing notice of motion on 20.03.2023, passed the following order:-

“The petitioners have filed the present petition seeking quashing of FIR No.36 dated 18.03.2021 under Sections 323, 342, 148, 149, 500, 506 IPC (Section 365 IPC added lateron) registered at Police Station Amargarh, District Sangrur and all consequential proceedings arising therefrom on the basis of the compromise dated 27.02.2023 (Annexure P-2).

Learned counsel for the petitioners has submitted that the parties have compromised the matter and as such, the present FIR is liable to be quashed.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1 and Mr. K.S. Siwach, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioners and has

not denied the factum of compromise effected between the parties.

Adjourned to 12.07.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 12.04.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It shall also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Malerkotla and submitted a report dated 30.05.2023. The operative part of the same reads as under:-

“The report is submitted as under:

(i) As per the statements of complainant/victim/injured Sunny Singh @ Babbu and accused Jarnail Singh, Jaswinder Singh, Kulwinder Singh @ Dhiddi, Balvir Singh, Ranjeet Kaur and Rajvir Singh, they have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.

(ii) As per statement of I.O. and FIR, there are total 7 persons arrayed as accused in the present FIR namely Jarnail Singh, Jaswinder Singh, Kulwinder Singh @ Dhiddi, Balvir Singh, Ranjeet Kaur, Rajvir Singh and Maghar Singh. IO has also stated that accused Maghar Singh was declared innocent in inquiry conducted by DSP, Amargarh. Hence, it is pertinent to mention here that in addition to the petitioners before the Hon'ble High Court, there is another accused person in the present F.I.R. namely Maghar Singh who has been already declared innocent by the Police.

(iii) As per the statement of I.O., accused Jarnail Singh, Balvir Singh, Ranjeet Kaur and Rajvir Singh are not involved in any

other FIR except this. However, accused Jaswinder Singh and Kulwinder Singh @Dhiddi are involved in another FIR no. 77 dated 02.06.2021 u/s 324, 323, 341 IPC, PS Amargarh. It is also important to mention that Maghar Singh, who was declared innocent in inquiry, is involved in two other FIRs except this i.e. FIR no. 35 dated 30.01.2022 u/s 323, 324, 506, 148 & 149 of IPC and FIR no. 22 dated 01.03.2019 u/s 452, 323, 324, 506, 148 & 149 of IPC.

(iv) As per the statement of I.O., no accused is declared as Proclaimed Offender.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Also reveals that no one has been declared as proclaimed offender. Even before this Court also, there is no objection by either side against each other.

(6) Learned State Counsel, on instructions, acknowledged the above factual position. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raised no objection to the present petition.

(8) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise, would bring peace and harmony to secure the ends of justice.

(9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened

with costs of Rs.30,000/- (Rs.5000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

(10) Pending application(s), if any, shall also stand disposed off.

September 25th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

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