

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

CRM-M No.14356 of 2023 (O&M)

Date of decision: 22.09.2023

Sanju @ Sanjay Kumar and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioners.

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

Mr. Gurnoor Singh, 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.113 dated 12.09.2022 (P-1), under Sections 452, 323, 341, 506, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station City Dhuri, District Sangrur and for quashing of DDR No.29 dated 02.02.2023 (P-3), vide which Section 452, IPC deleted and Section 458, IPC added, along with all consequential proceedings arising therefrom on the basis of compromise dated 13.03.2023 (P-2), entered into between the parties.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Sandeep Singh with the allegations that on 10.09.2022 at about 09:30 PM, he was standing on the footpath of canal bridge in front of

his house. He heard loud voice, which was coming from the house of one Sandeep. He saw Sanjay; Dhuri, armed with *Khapra* and four others comprising Labhu, armed with Sword; his brother-Rohit Kumar @ Baba; Samardeep Singh @ Billa & Aman, all three armed with Iron Pipes and Gurdhir Singh, armed with Rod. Sanjay raised a *lalkara* and gave *Khapra* blow upon the muscle of the left arm of complainant. Complainant went to his house while raising alarm; but the accused encircled him inside his house. Labhu pushed the complainant and due to which, he fell down on the ground. Then Aman gave Iron Rod blow on the left ankle of his foot. Upon hearing the noise, his father as well as sister came there to rescue the complainant; but accused gave slaps and fist blows to them as well. Rohit Baba gave Iron pipe blow on the thigh of right leg of the complainant; Labhu gave Sword blow on the knee of his right leg. Then all the accused gave kick blows in his stomach. Upon seeing the people, gathered there, all accused fled away with their respective weapons from the spot while threatening the complainant party.

(3) The Coordinate Bench, while issuing notice of motion on 18.04.2023, passed the following order:-

“CRM-13974-2023

Prayer in the present application is for amendment of the main petition as a DDR bearing No.29 dated 02.02.2023 was also registered in addition to the FIR and the parties have agreed to get both the FIR and the DDR quashed on the basis of a compromise arrived at between the parties.

The application is accompanied by an affidavit of the petitioner No.1.

For the reasons mentioned in the application, the same is allowed. The amended petition is taken on record.

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Prayer in this petition is for quashing of FIR bearing No.113, dated 12.09.2022 registered under Sections 452, 323, 341, 506, 148 and 149 IPC at Police Station City Dhuri, District Sangrur (Annexure P-1) and quashing of DDR No.29, dated 02.02.2023, registered under Section 458, at Police Station City Dhuri, District Sangrur and all subsequent proceedings arising there from on the basis of compromise dated 13.03.2023 (Annexure P-2) having been arrived at between the parties.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent-State and Mr. Gurnoor Singh, Advocate accepts notice on behalf of respondent No.2.

Learned counsel for the petitioners and respondent No.2 state that though the compromise (Annexure P-2) mentions only about the FIR bearing No.113, dated 12.09.2022 registered under Sections 452, 323, 341, 506, 148 and 149 IPC at Police Station City Dhuri, District Sangrur (Annexure P-1), the parties have agreed that quashing of both FIR No.113, dated 12.09.2022 and the DDR No.29 dated 02.02.2023 will be sought.

List on 08.08.2023.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise/settlement on 24.05.2023 or any other convenient date to the Court.

The trial Court/Area Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other FIR or not.*

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Dhuri and submitted a report dated 15.06.2023. The operative part of the same reads as under:-

“5. Further Area Magistrate is to submit a report containing the following information:-

(1) Number of persons arrayed as accused in FIR;

As per the statement of IO ASI Jagtar Singh No. 928/Sgr, only six persons namely Sanjay Kumar @ Sanju, Love Preet @ Labhu, Rohit Kumar @ Babba, Samardeep Singh @ Billa, Aman and Gurdhir Singh are arrayed as accused in the present FIR.

(2) Whether any accused is proclaimed offender;

As per the statement of IO ASI Jagtar Singh No. 928/Sgr, accused have not been declared proclaimed offender in the said FIR by any Court.

(3) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

(4) Whether the accused persons are involved in any other FIR or not?

As per the statement of accused persons, no other complaint or case is pending between the present parties in any other Court of law.

As per the statement of IO ASI Jagtar Singh No. 928/Sgr, no other FIR is pending against the accused persons.

(6) How many victims/complainants are there in the FIR?

As per the statement of IO ASI Jagtar Singh No. 928/Sgr, there is only one victim/complainant namely Sandeep Singh in the present FIR.”

- (5) A perusal of the aforesaid report clearly reveals that the matter has been compromised by both parties with their free consent, voluntarily and without any coercion or undue influence.
- (6) Learned State Counsel, on instructions from ASI Darshan Singh, 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 raises 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 petitioner. However, as a deterrence for the future, petitioners are burdened with costs of Rs.30,000/- (Rs.5,000/- 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 22nd, 2023

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

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