

CRM-15010-2023 in/and CRM-M-16557-2023

2023:PHHC:092326 1

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

(278)

**CRM-15010-2023 in/and
CRM-M-16557-2023 (O&M)
Date of Decision : July 20, 2023**

Manjinder Singh and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajay Partap Singh, Advocate, for the petitioners.

Mr. Harpreet Singh, Addl. Advocate General, Punjab.

Ms. Kuljit Kaur, Advocate, for respondents No. 2 to 6.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-15010-2023

As prayed for, the application is allowed.

CRM-M-16557-2023

In the present petition, the prayer of the petitioners is for quashing of G.D. No.41 dated 21.11.2022 registered under Sections 323, 324, 148 and 149 of the IPC at Police Station Bilga, District Jalandhar in FIR No.120 dated 26.10.2022 registered under Sections 323, 324, 452, 506, 148 and 149 of the IPC (Section 326 IPC added later on) at Police Station Bilga, District Jalandhar and all other subsequent proceedings arising therefrom, on the basis of compromise dated 24.01.2023 (Annexure P-2) entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 10.04.2023 had passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing G.D. No.41 dated 21.11.2022 (Annexure P-1) registered under Sections 323, 324, 148 and 149 of the IPC at Police Station Bilga, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise deed dated 24.01.2023 (Annexure P-2).

Notice of motion.

On the asking of Court, Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf respondent No. 1-State whereas Ms. Kuljit Kaur, Advocate, who is present in Court accepts notice on behalf of respondents No. 2 to 6.

Learned counsel for the parties are ad idem that the matter has been compromised between the parties and the parties may be directed to appear before the trial Court/Illaq Magistrate, for recording their statements qua genuineness of compromise.

Ordered accordingly.

Prior to recording of statements, petitioners are directed to deposit the amount of Rs.10,000/- with the District Legal Services Authority, Jalandhar towards cost of proceedings. Thereafter, the parties shall appear before the trial Court/Illaq Magistrate within a period of 15 days from today, for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate, is directed to submit a report before 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 case or not.*
- 5. Current stage of the case.*

Adjourned to 20.07.2023, awaiting report of the trial Court.

In the meanwhile, learned counsel for respondents No. 2

CRM-15010-2023 in/and CRM-M-16557-2023

2023:PHHC:092326 3

to 6 shall file her Vakalatnama in the Registry.

To be heard along with CRM-M-16557-2023.”

A report dated 29.04.2023 has come from Judicial Magistrate Ist Class, Phillaur, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion or undue influence on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the said report is as under:-

“ (2) As per statement of investigating officer, none of the accused named in the FIR has been declared as proclaimed offender in this case or any other case.

I am satisfied that the compromise is genuine between the parties and the same is outcome of their own freewill and without any force, coercion or undue influence.

As per the statement of investigating officer, all the accused persons in the present case are not involved in any other FIR.

As per statement of investigating officer, the case is still under investigation and final report has not been prepared.

Accordingly, the aforementioned report is forwarded for your kind information and necessary action.”

As per the trial Court report, the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the G.D. No.41 dated 21.11.2022 alive.

Learned counsel for the respondents No.2 to 6 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Phillaur and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the G.D. No.41 dated 21.11.2022 on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the G.D. No.41 dated 21.11.2022 on the basis of the compromise.

Thus, the G.D. No.41 dated 21.11.2022 registered under Sections 323, 324, 148 and 149 of the IPC at Police Station Bilga, District Jalandhar in FIR No.120 dated 26.10.2022 registered under Sections 323, 324, 452, 506, 148 and 149 of the IPC (Section 326 IPC added later on) at Police Station Bilga, District Jalandhar and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the G.D. No.41 dated 21.11.2022, will be subject to the payment of Rs.10,000/- as cost to be deposited with Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children's Home) QQ 2C+437, 15C, Sector-15, Chandigarh, 160015 by the petitioners.

July 20, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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