

CRM-M-18630-2022

2023:PHHC:086290

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 274)

(1)

CRM-M-18630-2022
Date of Decision :-11.07.2023

Kashmir and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(2)

CRM-M-18641-2022

Vijay Kumar @ Vicky and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Mr. Harpreet Singh, Additional Advocate General, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

By this common order, two petitions are being disposed of as these petitions arise out of the same incident for which the FIR in question as well as the cross case was registered.

Present two petitions, which have been filed for quashing of cross case being DDR No. 41 dated 17.07.2019, under Section 323, 34 IPC (Section 325 IPC added later on) at Police Station Kulgari, District Ferozepur as well as FIR No. 66, dated 07.07.2019, registered under

Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station Kulgari, District Ferozepur and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties dated 16.12.2020 (Annexure P-3).

On 04.05.2022, a Coordinate Bench of this Court had passed the following order:-

“The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of cross case registered under Sections 323, 34 IPC (Section 325 IPC added later on) in FIR No.66 dated 7.7.2019 registered under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station Kulgari, District Ferozepur on the basis of compromise (Annexure P-3).

Notice of motion.

At this stage, Mr. Brahmeet Singh, Advocate, accepts notice on behalf of the complainant/respondent No.2 and has admitted the correctness of compromise (Annexure P-2) and stated that he has no objection if this petition is allowed.

On the asking of this Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the State. She does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaq Magistrate on 20.7.2022 or any other date convenient to the trial Court/Illaq Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed

in the instant petition specifically with regard to the following facts :-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 25.8.2022 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

Reports dated 13.08.2022 and 13.12.2022 have come from Judicial Magistrate Ist Class, Ferozepur 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 reports, the compromise between the parties is genuine, voluntary and without any coercion or undue influence 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 report dated 13.08.2022 is as under:-

- (i). There are four persons arrayed as accused, namely, Kasmir, Ram Lal @ Kalu, Jagat Singh @ Jagu, Balvir @ Balveer arrayed as accused in FIR;*
- (ii) No, any accused is proclaimed offender;*
- (iii) No, paper is pending in the court of undersigned regarding present FIR.*
- (iv) The compromise is genuine, voluntary and without any coercion or undue influence.*
- (v) The compromise has been effected with all the accused persons and with all the complainant's/injured.”*

The relevant portion of the report dated 13.12.2022 is as under :-

“3. The compromise effected between Jagtar Singh, Ram Lal, Kashmir Singh and accused Vijay Kumar, Baltej, Kulwinder, Rachpal @ Jaspal and Raju is genuine, voluntary and without any coercion and undue influence. There is no grudge remain between the parties.”

As per the reports of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 16.12.2020 (Annexure P-3).

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as 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 pending against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR as well as cross case on the basis of the compromise.

Thus, cross case being DDR No. 41 dated 17.07.2019, under Section 323, 34 IPC (Section 325 IPC added later on) at Police Station Kulgari, District Ferozepur as well as FIR No. 66, dated 07.07.2019, registered under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station Kulgari, District Ferozepur 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 FIR as well as cross case DDR No. 41 dated 17.07.2019, will be subject to the payment of Rs.10,000/- as cost in each petition by the petitioners, to be deposited with the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh.

July 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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