

CRM-M-17951-2023

2023:PHHC:086268

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 284)

(1)

CRM-M-17942-2023
Date of Decision :-11.07.2023

Bikramjit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

(2)

CRM-M-17951-2023

Sandeep Singh and another

...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 FIR No. 01, dated 05.01.2016, registered under Sections 323, 325, 308, 427, 341, 148, 149 IPC at Police Station Chatiwind, District Amritsar Rural as well as cross case being Rapat No. 23, dated 31.01.2016, registered under Sections 323, 325, 427, 34 IPC at Police Station Chatiwind, District

Amritsar Rural and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

On 16.05.2023, a Coordinate Bench of this Court had passed the following order:-

“CRM-21922-2023 in CRM-M-17942-2023

Instant application has been filed for placing on record the affidavit of respondent No.4 as Annexure P-6 and for placing on record the amended memo of parties.

In view of the submissions made in the application, the same is allowed as prayed for.

Annexure P-6 is taken on record. Amended memo of parties be also tagged by the Registry at the appropriate place.

Main cases

These are the petitions filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 01 dated 05.01.2016 under Sections 323, 325, 308, 427, 341, 148 & 149 IPC registered at Police Station Chatiwind, District Amritsar, Rural, (Annexure P-1) and crossversion having rapat No. 23 of 31.01.2016 registered under Sections 323, 325, 427 and 34 IPC registered at Police Station Chatiwind, District Amritsar, Rural, (Annexure P-2) all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3) respectively, executed between the parties.

2. Learned counsel for the petitioners in CRM-M-17951-2023 submits that FIR was registered at the instance of respondent No.2. He further contends that cross-version was registered on the statement of Sandeep Singh and during the pendency of the petitions, matter has since been compromised with the

intervention of the respectables.

3. Notice of motion.

4. At the asking of the Court, Mr. Shubham Kaushik, AAG, Punjab, accepts notice on behalf of the State. Let the copy of the petition be handed over to the counsel opposite during the course of the day. 5. Learned counsel for respondent Nos. 2 & 3 in both the cases admits the factum of compromise.

6. Accordingly, the private parties are directed to appear before the concerned trial Court/Duty Magistrate on 29.05.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Duty 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 case or not. 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

7. To await report of the trial Court, adjourned to 11.07.2023.

8. A photocopy of the order be placed on the file of other connected case. ”

A report dated 05.07.2023 appended as (Annexure-A) has come from Additional District and Sessions Judge, Amritsar 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 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 is as under:-

- 1. As per the statement of investigating officer Retired ASI Manjit Singh, initially the FIR bearing no. 01 dated 5.1.2016 was registered against accused Sandeep Singh, Jasmeet Singh, Surinder Kaur, Tarsem Singh and Kuldeep Singh on the basis of statement of complainant Bikramjit Singh. According to the statement of second Investigating Officer ASI Salwinder Singh No. 1409, the present main case was registered against the accused Sandeep Singh and Jasmeet Singh whereas accused Surinder Kaur, Tarsem Singh and Kuldeep Singh were declared innocent in the inquiry conducted by the then SP(D), as such, their names were kept in column no. 2 of the challan report.*
- 2. As per statement of second investigating officer ASI Salwinder Singh No. 1409, no accused is declared proclaimed offender. No other criminal case except the present one is registered or pending against any of the accused namely Sandeep Singh and Jasmeet Singh.*
- 3. In view of the statements made by the parties as stated above, I am of the considered view that the compromise effected between them is genuine, voluntary and without any threat, fear or coercion from any corner.*
- 4. As per the statement of second investigating officer ASI Salwinder Singh No. 1409, there is only one complainant/victim namely Bikramjit Singh and victim/injured Swaran Singh.”*

As per the report 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.

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 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 (Annexure P-3).

Thus, FIR No. 01, dated 05.01.2016, registered under Sections 323, 325, 308, 427, 341, 148, 149 IPC at Police Station Chatiwind, District Amritsar Rural as well as cross case being Rapat No. 23, dated 31.01.2016, registered under Sections 323, 325, 427, 34 IPC at Police Station Chatiwind, District Amritsar Rural 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 Rapat No. 23 dated 31.01.2016, 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