

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

238-2

CRM-M-19765-2023

Date of decision: 31.05.2023

Darshan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naresh Chander, Advocate for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab
for respondent No.1-State.

Mr. Aditya Pratap Singh, Advocate
for respondents No. 2 and 3

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed for quashing of General Diary No. 40 dated 10.03.2021 under Sections 324, 323, 34 IPC registered at Police Station Taragarh, Tehsil and District Pathankot in FIR No.21 dated 06.03.2021 registered under Sections 323, 452 and 34 of IPC (Section 325 IPC added later on) and consequential proceedings arising out of the same, on the basis of compromise dated 24.03.2021 (Annexure P-3) arrived at, between the parties.

2. Vide order dated 24.04.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate on 28.04.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Pathankot, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the

parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will. The complainant has also made a statement to the effect that he would have no objection if the DDR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondents No.2 and 3 are the only aggrieved person in the DDR in question.

6. In view of the report of the learned Judicial Magistrate Ist Class, Pathankot and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid DDR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

31.05.2023
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(MANJARI NEHRU KAUL)
JUDGE

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