

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

(269)

CRM-M-21982-2022

Date of Decision : July 20, 2023

Bhola Ram and others**.. Petitioners****Versus****State of Punjab and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Paras Sharma, Advocate, for the petitioners.

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

Mr. Pushp Jain, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of GDR No.49 dated 07.09.2021 registered under Sections 323, 34 of the IPC in FIR No. 119 dated 06.07.2021 registered under Sections 323, 452, 506, 148, 149 of the IPC, 1860 (Section 325 IPC added later on) at Police Station Sardulgarh, District Mansa and all other subsequent proceedings arising therefrom, on the basis of compromise dated 09.05.2022 (Annexure P-3) entered into between the parties.

The Coordinate Bench of this Court had passed the following order on 27.02.2023:-

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of GDR No.49, dated 07.09.2021 (Annexure P-2), under Sections 323, 34 of IPC1860, in FIR No.

119 dated 06.07.2021 (Annexure P-1), under Sections 323, 452, 506, 148, 149 IPC, 1860 (lateron Section 325 IPC 1860 has been added), registered at Police Station Sardulgarh, District Mansa along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.05.2022 (Annexure P-3) arrived at between the parties.

Learned counsel for the parties submit that compromise has been effected between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether challan is presented in the Court? If so, against how many accused;*
- (iii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iv) status/stage of the trial/case;*
- (v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.*

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 20.07.2023 .”

A report has come from Sub Divisional Judicial Magistrate, Sardulgarh, addressed to the Registrar General of this Court dated 13.04.2023 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 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:-

“So, after going through the above statements of complainant and accused persons, this Court is satisfied that the compromise dated 09.05.2022, the original of which is Ex.PX, has been effected between the complainant and accused namely Bhola Ram, Navdeep Ram and Jagdish Ram is bonafide, genuine, voluntary and free will of the parties. Further as per the statement of ASI Jarnail Singh, three persons have been arrayed as accused in the cross version and since no cognizable offence was found against any accused on the basis of DDR No.49 dated 04.09.2021 registered under Section 323/34 IPC, no legal action was taken thereon. Hence, this report is hereby submitted to your honour, accordingly.

Submitted please.”

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 FIR alive.

Learned counsel for the respondent No.2-complainant admits the compromise as well as the statement made before the Sub Divisional Judicial Magistrate, Sardulgarh 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 FIR 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 FIR on the basis of the compromise.

Thus, the GDR No.49 dated 07.09.2021 registered under Sections 323, 34 of the IPC in FIR No. 119 dated 06.07.2021 registered under Sections 323, 452, 506, 148, 149 of the IPC, 1860 (Section 325 IPC added later on) at Police Station Sardulgarh, District Mansa 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 GDR, 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