

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

(278)

CRM-M-24000-2023

Date of Decision :-18.07.2023

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

Present: Mr. Vikas Gupta, Advocate for the petitioners.

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

Mr. Dilpreet Singh, Advocate
for respondent No. 2-Complainant.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of DDR No.031 dated 06.07.2021, registered under Sections 323, 325, 34 of IPC, 1860 at Police Station Raja Sansi, District Amritsar Rural (Annexure P-2) in FIR No.79, dated 11.05.2021 (Annexure P-1), under Sections 325, 452, 34 of the IPC, registered at Police Station Raja Sansi, District Amritsar-Rural and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 30.08.2022 (Annexure P-3), which has been entered into between the parties.

2. On 11.05.2023, a Coordinate Bench of this Court had passed the following order:-

*“This is a petition under Section 482 Cr.P.C. for
quashing of DDR No.031 dated 06.07.2021, registered under*

Sections 323, 325, 34 of IPC, 1860 at Police Station Raja Sansi, District Amritsar Rural (Annexure P-2) in FIR No.79, dated 11.05.2021 (Annexure P-1), under Sections 325, 452, 34 of the IPC, registered at Police Station Raja Sansi, District Amritsar-Rural, with all subsequent proceedings arising therefrom, on the basis of compromise dated 30.08.2022 (Annexure P-3).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr. Dilpreet Singh, Advocate has put in appearance on behalf of respondent No.2. He admits the factum of compromise entered into between the parties.

List on 18.07.2023.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?"*

3. A report dated 03.06.2023 appended as (Annexure-A) has come from Sub Divisional Judicial Magistrate, Ajnala addressed to the Assistant Registrar of this Court along with the statement 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 the accused-petitioners have not been declared as proclaimed offenders and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“1. In the present case there three persons namely, Gurinder Singh son of Nirmal Singh, Davinder Singh @ Dawinder Singh son of Nirmal Singh and Rajbir Singh son of Kashmir Singh are arrayed as accused in the FIR, as per statement of IO as well as accused.

2. In the present case, the accused persons have not been declared proclaimed offender, as per statement of IO and accused.

3. As per the statement of IO and accused, accused persons are not involved in any other FIR.

4. As per the statement of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.”

4. 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.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 30.08.2022 (Annexure P-3).

6. 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 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 DDR on the basis of the compromise.

7. Thus, DDR No.031 dated 06.07.2021, registered under Sections

323, 325, 34 of IPC, 1860 at Police Station Raja Sansi, District Amritsar Rural (Annexure P-2) in FIR No.79, dated 11.05.2021 (Annexure P-1), under Sections 325, 452, 34 of the IPC, registered at Police Station Raja Sansi, 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.

8. This order, quashing of the DDR, 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 18, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No