

264

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 19.09.2023

(I) CRM-M-29194-2023

SATPAL SINGH AND ORS.

...Petitioners

VERSUS

STATE OF PUNJAB AND ORS.

...Respondents

(II) CRM-M-29353-2023

JASWANT SINGH AND ORS.

...Petitioners

VERSUS

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jatin Kundu, Advocate
for the petitioners in CRM-M-29194-2023 and
for respondents No.2 to 5 in CRM-M-29353-2023.

K. S. Dhaliwal, Advocate
for the petitioners in CRM-M-29353-2023 and
for respondents No.2 to 6 in CRM-M-29194-2023.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer made in both these petitions is for quashing of FIR/DDR on the basis of compromise.

2. CRM-M-29194-2023 has been filed under Section 482 Cr.P.C. for quashing of FIR No.112 dated 06.07.2022, under Sections 148, 149, 323 and 324

of the IPC, registered at Police Station Machhiwara, District Khanna, along with all consequential proceedings arising therefrom, on the basis of compromise, whereas CRM-M-29353-2023 has been filed under Section 482 Cr.P.C. for quashing of General Diary Entry No.33 dated 06.07.2022, under Sections 148, 149, 323 and 341 of the IPC, registered at Police Station Machhiwara, District Khanna, along with all consequential proceedings arising therefrom, on the basis of compromise.

3. It is a case of version and cross version.

4. Learned counsel for the petitioners in CRM-M-29194-2023 and for respondents No.2 to 5 in CRM-M-29353-2023 submitted that the dispute arose between the parties and the subject matter of the present dispute does not fall in the category of any serious or heinous offence and the matter has since been amicably settled between the parties with the intervention of respectables of the village. He further submitted that in pursuance of the orders passed by this Court on 02.06.2023 (in CRM-M-29194-2023 and CRM-M-29353-2023) respectively, the parties were directed to appear before the learned trial Court/Illaq Magistrate for the purpose of getting their statements recorded with regard to genuineness and voluntariness of the compromise and consequent thereupon in both the cases, the parties have appeared and got their statements recorded before the learned trial Court/Illaq Magistrate. He further submitted that in view of the aforesaid facts and circumstances of the present case and especially the fact that the subject matter of the present dispute does not fall in the category of any serious of heinous offence, the aforesaid FIR and DDR may be quashed based upon compromise.

5. Learned counsel for respondents No.2 to 6 in CRM-M-29194-2023 and for the petitioners in CRM-M-29353-2023 has submitted that the matter has since been compromised between the parties vide Annexure P-3 in both the petitions and he has no objection in case the aforesaid FIR and DDR are quashed on the basis of compromise arrived at between the parties.

6. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that it is correct that the parties have compromised with each other and the subject matter of the present dispute does not fall in the category of any serious or heinous offence.

7. I have heard the learned counsel for the parties in both the petitions.

8. It is a case of version and cross version and in CRM-M-29194-2023, FIR No.112 dated 06.07.2022 is prayed to be quashed and in CRM-M-29353-2023, General Diary Entry No.33 dated 06.07.2022 is prayed to be quashed on the basis of compromise Annexure P-3. Two separate reports have been received from learned Judicial Magistrate 1st Class, Samrala. In CRM-M-29194-2023, report dated 12.07.2023 has been received in which learned Judicial Magistrate 1st Class, Samrala has stated that there are four persons arrayed as an accused in the FIR and none of them is a proclaimed offender and in view of the statements of the parties, compromise appears to be genuine and entered into between the parties voluntarily out of their own free will and without any pressure, threat or coercion or undue influence and the petitioners-accused are also not involved in any other case and there is only one victim/complainant in the FIR, namely, Jaswant Singh. Similarly, a separate report dated 12.07.2023 has been received in CRM-M-29353-2023 from learned Judicial Magistrate 1st Class,

Samrala, wherein it has also been stated that there are five persons arrayed as an accused in the DDR and none of them is a proclaimed offender and in view of the statements of the parties, the compromise appears to be genuine and entered into between the parties voluntarily out of their own free will and without any pressure, threat or coercion or undue influence and the petitioners-accused are not involved in any other case and there is only one victim/complainant in the DDR, namely, Satpal Singh. The statement of the Investigating Officer, namely, ASI Satpal Singh was also recorded in both the cases and he has stated that the petitioners in both the petitions have not been declared as a proclaimed offender and they are also not involved in any other FIR and DDR.

9. The Hon'ble Supreme Court in *State of Madhya Pradesh versus Laxmi Narayan and others,* 2019(2) SCC (CrL) 706 and also in *Gian Singh versus State of Punjab and another,* 2013(1) SCC (CrL) 160 and Full Bench judgment of this Court in *Kulwinder Singh and others versus State of Punjab* 2007 (3) R.C.R.(Criminal) 1052 held that where the offence does not fall in the category of any serious or heinous offence and the Court is satisfied that it will not be in the interest of justice to continue with the prosecution considering the facts and circumstances of the case, then FIR/DDR can be quashed on the basis of compromise.

10. A perusal of the subject matter involved in the present case would show that the dispute arose between the parties and thereafter the matter was settled between them but it appears that the subject matter of the present dispute does not fall in the category of any serious or heinous offence. Apart from the above, the parties have got their statements recorded before the learned trial

Court/Illaq Magistrate in pursuance of orders passed by this Court on 02.06.2023 in both the petitions, respectively, and the learned Judicial Magistrate 1st Class, Samrala in both the petitions have so reported that the matter has been amicably settled between the parties in view of the statements given and compromise is genuine, voluntarily, out of their own free will and without any pressure, threat or coercion or undue influence.

11. Therefore, in view of the aforesaid ratio of judgments, this Court is of the considered view that considering the totality and facts and circumstances of the present case, no useful purpose will be served in case further prosecution is carried on and rather it will be in the interest of justice to quash the aforesaid FIR and DDR on the basis of compromise Annexure P-3.

12. Consequently, both the petitions are allowed.

13. The impugned FIR No.112 dated 06.07.2022, under Sections 148, 149, 323 and 324 of the IPC, registered at Police Station Machhiwara, District Khanna, along with all consequential proceedings arising therefrom in CRM-M-29194-2023 and General Diary Entry No.33 dated 06.07.2022, under Sections 148, 149, 323 and 341 of the IPC, registered at Police Station Machhiwara, District Khanna, along with all consequential proceedings arising therefrom in CRM-M-29353-2023, are hereby quashed, on the basis of compromise dated 05.05.2023 (Annexure P-3 in both the petitions), qua the petitioners in respective cases.

(JASGURPREET SINGH PURI)
JUDGE

19.09.2023
Chetan Thakur

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