

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

**CRM-M No.33372 of 2023 (O&M)
Date of decision: 21.09.2023**

Vinod Kumar @ Vinod Saini and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dhanvinder Singh Nigha, Advocate, for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab for respondent No.1.

Mr. Paras Khindri, Advocate for

Mr. Gursevak Singh, Advocate for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.174 dated 13.10.2017 (P-1), under Sections 379-B, 323, 427, 506, 34 of the Indian Penal Code, 1860, registered at Police Station City Dina Nagar, District Gurdaspur on the basis of compromise dated 08.05.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 & 3.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Vikas Saini with the allegations that on 12.10.2017 at about 06:15 PM, he along with his brother-Vishal Saini (respondent No.3) was

going to the Gym. When his brother reached outside Gym, Gagandeep Saini armed with Baseball; Mohan Lal & Raju armed with *Daangs*, Goru, armed with Pistol and one other person, armed with *Daang* were standing there. On seeing his brother, accused Mohan Lal raised lalkara not to spare Vishal. Thereafter, all accused have beaten Vishal Saini on different parts of his body.

(3) This Court, while issuing notice of motion on 14.07.2023, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State.

(4) Mr. Gursevak Singh, Advocate, causes representation on behalf of respondent 2 & 3 and acknowledged the factum of compromise between the parties.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 08.08.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii) Whether the compromise effected between the parties is genuine and valid?

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi) Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 31.08.2023, for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Gurdaspur and submitted a report dated 19.08.2023, indicating that compromise is genuine, without any force or coercion or undue influence.

(5) However, learned State Counsel on instructions from ASI Nirmal Singh apprised the Court that all the petitioners have been charge-sheeted under the various provisions of the Indian Penal Code including Section 379-B, IPC and 03 prosecution witnesses are already examined.

(6) In view of the above factual position, this Court was not inclined to entertain the petition for quashing of the FIR on the basis of compromise.

(7) Faced with the above situation, learned Counsel for the petitioners submits that learned trial Court be directed to conclude the proceedings expeditiously.

(8) Prayer seems to be justified to that extent.

(9) In view of the above, this petition is disposed off with a request to learned Additional Sessions Judge, Gurdaspur to proceed in the matter expeditiously without granting any unnecessary adjournments to either of

the parties and also to keep in mind the factum of compromise entered into between them.

- (10)Progress report be sent to the Registry by 07.01.2024.
- (11)Pending application(s), if any, shall also stand disposed off.

September 21st, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>