

2023:PHHC:092612

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(270-A)

CRM-M-37871-2022

Date of Decision : July 20, 2023

Paramjit Singh and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(270)

CRM-M-33469-2022

Sukhwinder Kaur and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.P. Singh, Advocate, for
Mr. Nitin Rathour, Advocate, for the petitioners
in CRM-M-37871 of 2022 and
for respondent No.2 in CRM-M-33469 of 2022.

Mr. Harkarn Singh, Advocate, for the petitioners
in CRM-M-33469 of 2022 and
for respondents No. 2 and 3 in CRM-M-37871 of 2022.

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

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two petitions, the details of which have been given in the heading of the order, are being disposed of as these petitions arise out of the same incident.

2. Present two petitions, which have been filed for quashing of FIR No.14 dated 19.03.2022 registered under Sections 323, 309, 506, 427 and 34 of the IPC at Police Station Chamkaur Sahib District Rupnagar as well as the cross case General Diary No.025 dated 26.03.2022 in FIR No.0014 dated 19.03.2022 under Sections 323, 309, 506, 427 and 34 of the IPC at Police Station Chamkaur Sahib District Rupnagar and all other subsequent proceedings arising therefrom, on the basis of compromise dated 18.05.2022 (Annexure P-3) entered into between the parties.

3. The Coordinate Bench of this Court while issuing notice of motion on 05.09.2022 had passed the following order:-

“The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.14 dated 19.3.2022 registered under Sections 323, 309, 506, 427, 34 IPC at Police Station Chamkaur Sahib District Rupnagar on the basis of compromise (Annexure P-3).

Notice of motion.

At this stage, Mr. Harkarn Singh, Advocate, accepts notice on behalf of respondent Nos.2 & 3, and prays for time to file power of attorney but admitted the factum of compromise entered into between the parties. Learned counsel further pleaded no objection if this petition is allowed.

On the asking of this Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of the State.

In the light of the no objection on behalf of counsel for respondent Nos.2 & 3, the parties are directed to appear before the learned trial court/Illaq Magistrate on 14.11.2022 or any other date convenient to the Court and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts :

- 1. Number of persons arrayed as accused in the FIR.

2. *Whether any accused is proclaimed offender.*
3. *Stage of the trial/proceedings.*
4. *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
5. *Total number of victims and their names.*

To come up on 18.1.2023 for awaiting the report.

The State counsel is also directed to verify about the factum of compromise by that date.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.”

A report has come from Judicial Magistrate Ist Class, Rupnagar, addressed to the Registrar General of this Court dated 11.01.2023 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 part of the said report is as under:-

“Point wise report:-

On the basis of above statements, the point wise report is as under:

1. *There are total 5 accused persons in the present case namely Buta Singh son of Mehar Singh, Sukhwinder Kaur wife of Buta Singh, Lakhvir Singh and Narinder Singh both sons of Buta Singh and Mandeep Kaur wife of Paramjit Singh d/o Buta Singh.*
2. *None of the accused person is declared as proclaimed offender in the present case/FIR.*
3. *The challan has not presented in this case so far.*
4. *From the statements of complainant Paramjit Singh compromise seems to be genuine, voluntary and without any*

coercion or undue influence.

*5. As per statement of Inspector Rupinder Singh, SHO, Sri Chamkaur Sahib, there is one complainant namely Paramjit Singh son of Rulda and he is the only victim
The report is submitted please.”*

Learned counsel for the parties submits that though Section 307 of the IPC has been invoked in the present case but there is no injury and initially Section 309 of the IPC was invoked keeping in view the allegations alleged and the role being attributed to the accused but thereafter, Section 309 IPC was converted to Section 307 IPC. Learned counsel for the parties further submits that no evidence has come on record with regard to any act on the part of the accused so as to inflict any injury upon the victim, hence, keeping in view the compromise, despite invoking of Section 307 IPC, present petitions can be quashed.

Learned State counsel submits that as of now, no evidence has come on record with regard to the factum that the accused has inflicted any injury upon the complainant hence, the case is covered under Section 307 and 309 of the IPC, is yet to be ascertained.

Learned counsel appearing for the respective parties submits that the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR No.14 dated 19.03.2022 as well as General Diary No.025 dated 26.03.2022 alive, hence, the same may kindly be quashed on the basis of said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR No.14 dated 19.03.2022 as well as General Diary No.025 dated 26.03.2022 on the basis

of the compromise.

Keeping in view the facts and circumstances of this case, despite the fact that Section 307 of the IPC has been invoked but as no evidence has come on record so far to prove that whether the present case is of Section 307 or 309 of the IPC and there is no injury inflicted which is declared life threatening coupled with the fact that the parties have already compromised their dispute and the parties are related to each other as the accused is the mother-in-law and wife of the complainant as they have decided 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 joint prayer of the parties for quashing the FIR No.14 dated 19.03.2022 as well as General Diary No.025 dated 26.03.2022 on the basis of the compromise.

Thus, the FIR No.14 dated 19.03.2022 registered under Sections 323, 309, 506, 427 and 34 of the IPC at Police Station Chamkaur Sahib District Rupnagar as well as the cross case General Diary No.025 dated 26.03.2022 in FIR No.0014 dated 19.03.2022 under Sections 323, 309, 506, 427 and 34 of the IPC at Police Station Chamkaur Sahib District Rupnagar and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR No.14 dated 19.03.2022 as well as General Diary No.025 dated 26.03.2022, will be subject to the payment of Rs.10000/- as cost in each petition, to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1, Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No. 001305500868, IFSC-ICICI0000013, by the petitioners.

Both the petitions are allowed in above terms.

July 20, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No