

128 (1st case)

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

**CRM-M No.35727 of 2023 (O&M)
Date of decision: 21.09.2023**

Balwinder Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sukhveer Kaur, Advocate for the petitioners.

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

Mr. Kunal Sarangal, Advocate for

Mr. Raj Kumar Arya, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.122 dated 30.10.2015 (P-1), under Sections 326, 324, 323, 341, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Dhariwal, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise dated 17.07.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Jaswinder Singh with the allegations that on 29.10.2015 at about 09:15 AM, he along with his two sons, namely, Jagjit Singh & Baljit Singh were working in the fields. At that time, accused Balwinder Singh; Rajbir Singh, both armed with *Datars*; Harwinder Singh, armed with Iron *Rod*; Harpal Singh, Salwinder Singh & Sandeep Singh, all three armed with Spades; Avtar Singh, empty handed, along with 4-5 unknown persons, armed with Iron *Rods* & Spades came there. On raising lalkara by accused Avtar Singh, unknown persons caught hold his two sons. Thereafter, all accused persons inflicted various injuries on the complainant party and on raising the alarm, they ran away from the spot with their respective weapons.

(3) This Court, while issuing notice of motion on 27.07.2023, passed the following order:-

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

(2) Notice of motion.

(3) On asking of the Court, Mr. Jaiteshwar S. Bhandari, AAG Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Kunal Sarangal, Advocate for Mr. R.K. Arya, Advocate, who is present in the Court, appears on behalf of respondent No.2. He acknowledged the factum of compromise dated 17.07.2023 (P-2) arrived at between the parties at their own level.

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

(6) Petitioner shall file his affidavit that there is no other criminal case(s) pending against him 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 16.08.2023 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 15.09.2023 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 02.09.2023. The operative part of the same reads as under:-

“In view of the statements suffered by the above-mentioned parties, point wise report is being submitted as follows:-

- (i) From the statements of the parties, it appears that the same are bonafide and not result of any pressure or coercion etc. in any manner.*
- (ii) From the statements of the parties, it appears that the compromise effected between the parties is genuine, voluntary and the same has been effected with free will of the parties.*
- (iii) All accused, complainant and injured are party to the compromise.*

(iv) Except the cross-version case, no other case is pending against either of the parties.

(v) As per statement of Investigating Officer, no person involved in this case has been declared as Proclaimed Offender.

(vi) As per statement of Investigating Officer, no accused is previous convict.”

(5) A perusal of the aforesaid report clearly reveals that the matter has been compromised by both parties with their free consent, voluntarily and without any coercion or undue influence. Also reveals that no one has been declared as proclaimed offender. Even before this Court also, there is no objection by either of the parties against each other.

(6) Learned State Counsel, on instructions from ASI Balbir Singh, acknowledged the above factual position. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raises no objection to the present petition.

(8) Concededly, charges have not been considered by learned trial Court and as such, the matter is at initial stage.

(9) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise, would bring peace and harmony to secure the ends of justice.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the

petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs.35,000/- (Rs.5000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

(11) Pending application(s), if any, shall also stand disposed off.

September 21st, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No