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2023:PHHC:124079

2023:PHHC:124081

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 20.09.2023

(I) CRM-M-38395-2023

SADHU SINGH @ SADHU RAM AND ANR

....Petitioners

Versus

STATE OF PUNJAB AND ORS

....Respondents.

(II) CRM-M-41297-2023

ASHOK KUMAR AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Rakesh Gupta, Advocate for the petitioners in both cases.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Naveen S. Attri, Advocate for

Mr. Arjun Atri, Advocate for respondents No.2 and 3.

SANJIV BERRY, J. (ORAL)

This order shall dispose of the above mentioned two petitions bearing No.*CRM-M-38395-2023 and CRM-M-41297-2023*, as the same are arising out of the same FIR.

2. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/affidavits dated 10.07.2023 and 28.07.2023

(Annexure P-2 in both petitions respectively) executed between the parties.

Details of the FIR are as follows:

FIR No.	Dated	Sections	Police Station
0008	13.01.2023	379 and 427 of IPC	City South, District Moga.

3. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deeds/affidavit dated 10.07.2023 and 28.07.2023 (Annexure P-2 in both petitions respectively), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. Chief Judicial Magistrate, Moga, vide report dated 05.09.2023, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.
4. Respondents No. 2 and 3 are represented by their counsel and do not oppose the compromise.
5. As per FIR, there were total five accused, namely, Sadhu Singh alias Sadhu Ram, Meena, Ashok Kumar, Jaswinder Singh and Kusum, but two accused filed petition i.e. CRM-M-38395-2023 and three accused filed CRM-M-41297-2023. Later on vide two separate orders, parties have been directed to get their statements recorded. Now, learned Chief Judicial Magistrate, Moga, vide report dated 05.09.2023 has sent report regarding the genuineness of the compromise effected between the parties with respect to all of the five accused persons.

CRM-M-38395-2023 and CRM-M-41297-2023 3

6. In view of the report of the Chief Judicial Magistrate, Moga, vide report dated 05.09.2023, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

7. In the circumstances, the present petition is allowed. FIR No. 0008 dated 13.01.2023, under Sections 379 and 427 of IPC, registered at Police Station City South, District Moga (Annexure P-1) qua petitioners Ashok Kumar, Jaswinder Singh and Kusum in CRM-M-41297-2023, and qua petitioners Sadhu Ram and Meena in CRM-M-38395-2023, and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

(SANJIV BERRY)
JUDGE

20.09.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |