

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

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2023:PHHC:134809

1.

CRM-M-41244-2023

Date of decision: October 16th, 2023

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

2.

CRM-M-41312-2023

Harwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.K. Chaudhary, Advocae
for Mr. Jashanjot S. Uppal, Advocate
for the petitioners (in CRM-M-41244-2023)
for respondent No.2 (in CRM-M-41312-2023).

Mr. Vinod Kumar, Advocate
for the petitioners (in CRM-M-41312-2023)
for respondents No.2 to 4 (in CRM-M-41244-2023).

Mr. A.P.S. Tung, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners in the instant petitions filed under Section 482 Cr.P.C. are seeking quashing of FIR No.0099 dated 22.08.2015 under Sections 323, 148, 149 IPC registered at Police Station Nihal Singh Wala, District Moga, as well as DDR No.35 dated 22.08.2015 under Sections 336, 323, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act (Section 307 IPC added later on, and thereafter Sections 307, 506, 148 IPC and Section 25 of the Arms were deleted) along with all subsequent proceedings arising therefrom.

2. Vide orders dated 21.08.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 26.09.2023 to get their statements recorded regarding the compromise arrived at, between them. Further, vide order dated 06.09.2023, statement of petitioner No.5 Gurwinder Singh alias Gurbinder Singh was ordered to be recorded through video conferencing as he was stated to be living in Australia.

3. Report has since been received from learned SDJM, Nihal Singh Wala, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report received, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainants/aggrieved persons have also made statement to the effect that they would have no objection if the FIR/DDR *qua* the accused-petitioners is quashed. It has further been reported that due to non-connectivity, statement of petitioner No.5 could not be recorded via video conferencing.

4. The trial Court has annexed the copies of the statements of the parties, along with its reports.

5. Learned counsel for the complainant/aggrieved persons have not disputed that on account of network issues, the presence of petitioner No.5 could not be recorded before the Court below on 26.09.2023. However, it has been reiterated that the matter stands amicably settled between the parties including with petitioner No.5 and hence, the FIR in question be quashed against all the petitioners.

6. Learned State counsel has also submitted that there are no other accused other than the petitioners and private respondents are the only aggrieved persons in the FIR/DDR in question.
7. In view of the report of the learned SDJM, Nihal Singh Wala, and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, these petitions are allowed. The aforesaid FIR as well as the DDR and all consequential proceedings arising out of it, are quashed.
8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.
9. Copy of this order be placed on the file of connected case.

October 16th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No