

[1] CRM-M-48401-2023
Date of Decision: 15.11.2023

Pardeep Kapoor and othersPetitioners

Versus

State of Punjab and othersRespondents

[2]	CRM-M-50310-2023
Mehak Kairpal and others	Petitioner
	Versus
State of Punjab and others	Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul, Advocate for the petitioner
in CRM-M-48401-2023 and
for respondents No. 2 to 4 in CRM-M-50310-2023.

Mr. Raj Partap Singh Brar, Advocate for the petitioner
in CRM-M-50310-2023 and
for respondents No. 2 to 5 in CRM-M-48401-2023.

Mr. H.S.Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions are taken up together for final disposal since the prayer made in both these petitions is for quashing of FIR/DDR on the basis of compromise.

2. CRM-M-48401-2023 has been filed under Section 482 Cr.P.C for quashing of FIR No. 190 dated 07.12.2021, under Sections 341, 324, 323, 506 IPC (Section 326 IPC added lateron), registered at P.S. P.A.U, District Ludhiana, Punjab by three persons, who are the petitioners and there

RAJNEESH SHARMA are four private respondents who are aggrieved persons whereas CRM-M-
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I attest to the accuracy and
integrity of this document

50310-2023 has been filed under Section 482 Cr.P.C. for quashing of **DDR General Diary No.36 dated 09.12.2021**, under Sections 323, 324, 506 and 149 IPC, registered at Police Station PAU Ludhiana, which is a cross case and has been filed by three persons who are petitioners and there are three private respondents who are aggrieved persons.

3. The allegations in the present case are pertaining to a fight which occurred between the parties and thereafter, the matter was compromised between the parties with the intervention of the respectables. A Co-ordinate Bench of this Court in both the cases had directed the parties to record the statements before the learned Illaqa Magistrate/Duty Magistrate/trial Court pertaining to the genuineness of the compromise, the number of persons arrayed as accused and whether any of them has been declared as proclaimed person or not. In pursuance of orders dated 25.09.2023 and 06.10.2023 passed in CRM-M-48401-2023 and CRM-M-50310-2023 respectively, both the parties have appeared before the JMIC, Ludhiana and separate reports have been received from learned JMIC, Ludhiana. In CRM-M-48401-2023, report dated 23.10.2023 has been received and in CRM-M-50310-2023, report dated 23.10.2023 has been received separately.

4. Learned counsel for the petitioners submitted that the dispute in the present case does not fall in the category of any serious or heinous offence and it was a case of a fight between two parties which has now been settled amicably and, therefore, both the FIR/DDR may be quashed based upon compromise since no useful purpose would be served in case further prosecution is carried on.

5. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that it is correct that the parties have compromised with each other and the subject matter of the present dispute does not fall in the category of any serious or heinous offence.

6. Learned counsels appearing on behalf of respondents in CRM-M-48401-2023 and CRM-M-50310-2023 have submitted that statements have been recorded before the learned JMIC, Ludhiana and the compromise is genuine and voluntary between the parties.

7. I have heard learned counsels for the parties.

8. It is a case of version and cross version and in CRM-M-48401-2023, the prayer is for quashing of FIR No.190 dated 07.12.2021 and in CRM-M-50310-2023, the prayer is for quashing of DDR General Diary No.36 dated 09.12.2021 on the basis of compromise. In pursuance of orders dated 25.09.2023 and 06.10.2023 passed in CRM-M-48401-2023 and CRM-M-50310-2023 respectively, statement of both the parties have been recorded before the learned JMIC, Ludhiana and two separate reports have been received. As per the report, none of the parties have been declared proclaimed offender and the compromise is genuine, voluntarily and without any coercion or undue influence.

9. The subject matter of the present case does not fall in the category of any serious or heinous offence and the matter has been amicably settled between the parties with the intervention of the respectables.

10. The Hon'ble Supreme Court in **State of Madhya Pradesh versus Laxmi Narayan and others," 2019(2) SCC (Crl.) 706** and also in

and Full Bench judgment of this Court in **Kulwinder Singh and others versus State of Punjab 2007 (3) R.C.R.(Criminal) 1052** held that where the offence does not fall in the category of any serious or heinous offence and the Court is satisfied that it will not be in the interest of justice to continue with the prosecution considering the facts and circumstances of the case, then FIR/DDR can be quashed on the basis of compromise.

11. This Court is of the view that the subject matter of the present case does not fall in the category of any serious or heinous offence and as per the report sent by the learned JMIC, Ludhiana, the compromise is genuine, voluntarily and without any influence and, therefore, this Court is of the view that it is a fit case for quashing of both the FIR and DDR based upon compromise in view of the judgments of the Hon'ble Supreme Court and this High Court as aforesaid.

12. Consequently, both the petitions are allowed. FIR No. 190 dated 07.12.2021, under Sections 341, 324, 323, 506 IPC (Section 326 IPC added lateron), registered at P.S. P.A.U, District Ludhiana, Punjab along with all subsequent proceedings arising therefrom and DDR General Diary Entry No.36 dated 09.12.2021, under Sections 323, 324, 506 and 149 IPC, registered at Police Station PAU Ludhiana along with all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise *qua* the petitioners in both the cases.

(JASGURPREET SINGH PURI)
JUDGE

15.11.2023
'Rajneesh'