

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

241(2)

CRM-M-57122-2022

Date of Decision :-14.07.2023

Sukhveer Singh @ Kala and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Mohit Kumar, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of the cross version registered vide DDR No. 37 dated 18.03.2016, under Sections 452, 323, 325, 324, 34 of the IPC in FIR No. 0025 dated 18.03.2016, registered under Sections 363, 365, 324, 323, 341, 342, 427, 148, 149 of the IPC at Police Station Jaitu, District Faridkot and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 25.04.2022 (Annexure P-2), which has been entered into between the parties.

On 09.12.2022, a Coordinate Bench of this Court had passed the following order:-

“Prayer in this petition, filed under Section 482 Cr.P.C., is for quashing of the cross version registered vide DDR No. 37 dated 18.03.2016, under Sections 452, 323, 325, 324, 34 of the IPC in FIR No. 0025 dated 18.03.2016, registered under Sections 363, 365, 324, 323, 341, 342, 427, 148, 149 of the IPC at Police Station Jaitu, District Faridkot along with all the subsequent proceedings arising therefrom, on the basis of the

compromise entered into between the parties.

Notice of motion

Mr. Navneet Singh, DAG, Punjab and Mr. Mohit Kumar, Advocate, who are present in Court, accept notice on behalf of the respondent-State and respondent No. 2/complainant. Learned counsel for respondent No. 2/complainant admits to the factum of compromise arrived at between the parties.

List again on 26.04.2023.

To be heard with CRM-M-57120-2022.

In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information

1. Number of persons arrayed as accused in cross version
2. Whether any accused is proclaimed offender,
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,
4. Whether the accused persons are involved in any other FIR not?
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the cross version.

A report dated 12.04.2023 appended as (Annexure-A) has come from Sub Divisional Judicial Magistrate Jaitu, District Faridkot, addressed to the Registrar General of this Court along with the statements of the accused-petitioner as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“As per the statement of the parties, it appears that the compromise is genuine, voluntary without any threat, undue influence or coercion. All the parties have given their consent towards the compromise, It has come on record that the present DDR is registered against three accused namely Sukhveer Singh @ Kala, Rajdeep Singh @ Raju and Boota Singh., I has also come on record that

during the pendency of the proceedings accused Boota Singh son of Gurdev Singh resident of Bishnandi, Tehsil Jaitu, District Faridkot has expired. It has also come on record that none of the person has been declared as proclaimed offender in the present case. It has come on record that Charanjit Kaur and Balwinder Singh are two victims and Charanjit Kaur is complainant of the case. It has also come on record that none of the accuse is involved in any other criminal case.”

As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

Learned State counsel has not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as the parties have already entered into compromise to settle their dispute so as 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 prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, cross version registered vide DDR No. 37 dated 18.03.2016, under Sections 452, 323, 325, 324, 34 of the IPC in FIR No. 0025 dated 18.03.2016, registered under Sections 363, 365, 324, 323, 341, 342, 427, 148, 149 of the IPC at Police Station Jaitu, District Faridkot and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 25.04.2022 (Annexure P-2) entered into between the parties.

The above order, quashing of the FIR, will be subject to the

payment of Rs.10,000/- as cost to be deposited with Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children’s Home) QQ 2C+437, 15 C, Sector 15, Chandigarh, 160015 by the petitioners.

July 14, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No