



Sr. No.257(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7340-2024
Date of decision: 17th May, 2024

SANJEEV KUMAR AND ANOTHER**Petitioners**

versus

STATE OF PUNJAB AND OTHERS**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sidhant Bhonsle, Advocate
for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Ketan Chopra, Advocate
for respondents No.2 to 7.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of cross version case of G.D. No.12 dated 24.12.2015, under Sections 323, 324, 341, 506, 148, 149, 34 and 201 IPC, 1860, registered at Police Station Daba, Ludhiana (Annexure P-1), arising out of version case of FIR No.0200 dated 13.11.2015, under Sections 452, 354, 323, 324, 341, 506, 34 and 201 IPC (Annexure P-2), registered at Police Station Daba, Ludhiana, on the basis of affidavits of petitioners and respondents No.2 to 7 dated 15.01.2024 (Annexures P-3 and P-4) stating that compromise has been effected *inter se* the parties.
2. On 13.02.2024, the following order was passed by the co-ordinate Bench of this Court:-



“XXX XXX XXX XXX

Learned counsel for the petitioners inter alia submits that the present case is a case of version and cross-version. Learned counsel submits that on 12.11.2015 an altercation took place between the private parties and injuries have been caused to both sides. Now, in order to live peacefully, parties have entered into compromise, which is in the shape of affidavits dated 15.1.2024 (Annexures P-3 and P-4), according to which, both the parties have agreed not to proceed further with the G.D. No.12 dated 24.12.2015 (Annexure P-1) in question. It is further submitted that the petitioners have never been declared as proclaimed offenders.

Notice of motion.

On the asking of Court, Mr. Prabhdeep Singh Bhandari, AAG, Punjab, accepts notice on behalf of respondent No.1-State; whereas Mr. Ketan Chopra, Advocate, present in Court accepts notice on behalf of respondents No.2 to 7 and submits Vakalatnama, which is taken on record.

Learned counsel for respondent No.1-State as well as learned counsel for respondents No.2 to 7 have not disputed the aforesaid submissions made by learned counsel for the petitioners and the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to the compromise in the shape of affidavits dated 15.1.2024 (Annexures P-3 and P4), on 29.2.2024 by moving an appropriate application or by presenting this order.

The trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing i.e. 17.5.2024 containing the following information:-

- 1. Number of persons arrayed as accused in the GD;*
- 2. Whether any accused is a 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 GD or not; and*



5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the GD and all the victims/complainant as well as accused are party to the compromise in question.

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.

To be heard alongwith CRM-M-7373-2024.

xxx xxx xxx xxx”

3. In compliance of the above order, report dated 07.05.2024 has been received from the Judicial Magistrate First Class, Ludhiana, through District and Sessions Judge, Ludhiana, stating that the compromise between the parties is genuine and arrived at with free will of the parties and without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in “Narinder Singh and others vs. State of Punjab and another”, (2014) 6 SCC 466, “Ramgopal and another Vs. State of Madhya Pradesh 2021”; SCC OnLine SC 834 and “Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others; (1980) 1 SCC 63 and Full Bench of this Court in_“Kulwinder Singh Vs. State of Punjab 2007”; (3) RCR (Crl.) 1052, the present petition petition is allowed and G.D. No.12 dated 24.12.2015, under Sections 323, 324, 341, 506, 148, 149, 34 and 201 IPC, 1860, registered at Police Station Daba, Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th May, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No