

In the High Court for the States of Punjab and Haryana
At Chandigarh

(I) CRM-M-11209-2021 (O&M)

Balwinder Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

(II) CRM-M-12651-2021 (O&M)

Kulwinder Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

Date of Decision:-5.3.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sushma Chopra, Advocate,
for the petitioners in CRM-M-11209-2021 and
for respondents No.2 and 3 in CRM-M-12651-2021.

Ms. Navjot Kaur, Advocate,
for Ms. Jaspreet Kaur, Advocate,
for the petitioners in CRM-M-12651-2021 and
for respondents No.2 to 5 in CRM-M-11209-2021 .

Mr. Vishavjeet Singh Virk, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the abovementioned two petitions filed on behalf of the petitioners seeking quashing of following FIR as well as DDR and all subsequent proceedings emanating therefrom on the basis of a compromise stated to have been effected between the parties:

Sr. No.	Case No.	FIR/DDR sought to be quashed
1.	CRM-M-11209-2021	FIR No.0105, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 324, 323, 427, 509, 148 and 149 of Indian Penal Code
2.	CRM-M-12651-2021	DDR No.040, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 323, 324, 325, 148 and 149 of Indian Penal Code in cross-case FIR No.0105, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 324, 323, 427, 509, 148 and 149 of Indian Penal Code

2. Vide order dated 12.3.2021 passed in CRM-M-11209-2021 and order dated 19.3.2021 passed in CRM-M-12651-2021, the parties had been directed to appear before the Area Magistrate/Trial Court so as to get their statements recorded qua the factum of compromise.
3. Pursuant to order dated 12.3.2021 passed in CRM-M-11209-2021 and order dated 19.3.2021 passed in CRM-M-12651-2021, reports of learned Judicial Magistrate 1st Class, Ajnala in both the cases have been received.
4. This Court finds that in CRM-M-11209-2021, while the joint statement of petitioners/accused namely Balwinder Singh, Harpal Singh, Jagmohan

Singh, Noora Singh, Jiwan Singh, Deepak Singh, Harpreet Singh, Gurpreet Singh, Dastar Singh and also the statements of respondents No.2 and 3 namely Jagdish Singh and Karanbir Kaur have been recorded before learned Judicial Magistrate 1st Class, Ajnala to the effect that they have compromised the matter amongst themselves with the intervention of respectables, the statements of respondent No.4 and 5 namely Vishal Singh and Kulwinder Singh have not been recorded. The petitioners as well as respondents No.2 and 3 have stated that they have compromised the matter amongst themselves and they do not have any objection in case the FIR in question is quashed.

5. This Court further finds that in CRM-M-12651-2021, the joint statement of petitioners/accused namely Kulwinder Singh (respondent No.5 in CRM-M-11209-2021), Gurwinder Singh @ Gola, Sahib Singh @ Bikka, Ajaypal Singh, Vishal @ Vikas Singh (respondent No.4 in CRM-M-11209-2021), Jatinder Singh, Talwinder Singh, Sunny and also the statements of respondents No.2 and 3 namely Balwinder Singh and Amarjit Kaur have been recorded before Judicial Magistrate 1st Class, Ajnala to the effect that they have compromised the matter amongst themselves with the intervention of respectables and they do not have any objection in case the “FIR as well as DDR” in question are quashed. This Court finds that when Vishal @ Vikas Singh and Kulwinder Singh (respondents No.4 and 5 in CRM-M-11209-2021) have appeared before learned Judicial Magistrate 1st Class, Ajnala in the capacity of accused so as to get their statements recorded qua the factum of compromise in CRM-M-12651-2021, they had categorically

stated that they do not have any objection in case the “FIR and DDR” in question are quashed.

6. Learned Judicial Magistrate 1st Class, Ajnala has specifically opined that the parties in both the cases have entered into compromise voluntarily and without any undue influence.
7. In view of the aforesaid compromise and bearing in mind the law laid down by Hon’ble Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, both the petitions are allowed and FIR No.0105, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 324, 323, 427, 509, 148 and 149 of Indian Penal Code & DDR No.040, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 323, 324, 325, 148 and 149 of Indian Penal Code in cross-case FIR No.0105, dated 23.5.2020, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 324, 323, 427, 509, 148 and 149 of Indian Penal Code and all subsequent proceedings emanating therefrom are hereby quashed qua petitioner(s).
8. A copy of this order be placed on the file of other connected case.

5.3.2024
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(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking	Yes / No
Whether reportable	Yes / No