

2024:PHHC:010696

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-17895-2019
Date of Decision: 25.01.2024

BALIHAR SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Dassaur, Advocate
for the petitioners.

Mr. Mohit Thakur, AAG Punjab.

Mr. Abhimanyu Kalsy, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of General Diary Entry No. 27 dated 27.03.2016 (Annexure P-1) arising out of FIR No. 42 dated 25.03.2016 registered under Sections 323, 452, 427, 148, 149 and 120-B of Indian Penal Code at Police Station Sadar Phagwara as well as subsequent proceedings arising from the aforesaid FIR including the order dated 07.07.2018 passed under Section 319 of Cr.P.C. (Annexure P-2) and order dated 09.10.2018 (Annexure P-4) whereby the petitioners were declared as proclaimed offenders, on the basis of compromise dated 20.03.2019 (Annexure P-5).

2. The following order was passed on 03.11.2023:

“This petition has been filed for quashing of the cross-version case vide DDR No.27 dated 27.03.2016 (Annexure P-1) arising out of FIR No.42 dated 25.03.2016 for the offences punishable under Sections 323, 452, 427, 148, 149 and 120-B IPC registered at Police |Station Sadar Phagwara.

Learned counsel for the petitioners contends that the trial in the FIR No.42 dated 25.03.2016 has already ended in acquittal and the parties have settled the dispute by way of compromise. He further contends that the petitioners were in Canada when they were summoned under Section 319 Cr.P.C. in the cross-version case.

Notice of motion 29.05.2019.

At the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Mr. Abhimanyu Kalsy, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 10.05.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq 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 FIR.*
- 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 case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

In the event of the petitioners submit themselves before the learned trial Court on the said date or any date before that, they shall be admitted to interim regular bail subject to furnishing their bail bonds and surety bonds to the satisfaction of trial Court.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at 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 (CrI.) 1052**, this petition is allowed and General Diary Entry No. 27 dated 27.03.2016 (Annexure P-1) arising out of FIR No. 42 dated 25.03.2016 registered under Sections 323, 452, 427, 148, 149 and 120-B of Indian Penal Code at Police Station Sadar Phagwara as well as subsequent proceedings arising from the aforesaid FIR including the order dated 07.07.2018 passed under Section 319 of Cr.P.C. (Annexure P-2) and order dated 09.10.2018 (Annexure P-4) whereby the petitioners were declared as proclaimed offenders and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

25.01.2024

*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**Whether speaking/reasoned
Whether reportableYes/No
Yes/No