

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

CRM-M-27041-2023(O&M)

Date of Decision:- 14.02.2024

Madan Mohan and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.S.Gill, Advocate, for the petitioners.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

Mr. Manjinder Kumar, Advocate, for respondents No.2 to 4.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioners-Madan Mohan, Dalip Chand, Kamlesh Kaur, Gurbax Singh, have approached this Court seeking quashing of DDR No. 26 dated 07.12.2019, Police Station Nurpur Bedi, District Rupnagar, under Sections 323, 341, 506, 148 and 149 IPC (Sections 325 and 307 IPC added later on) in case FIR No.144 dated 05.12.2019, and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

2. Vide order dated 26.05.2023, the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise.

3. Report of learned Judicial Magistrate 1st Class, Sri Anandpur Sahib, has been received, wherein it has been reported that joint statements of petitioners/accused Madan Mohan, Gurbax Singh, Dalip Chand, Kamlesh

Kaur and complainants/injured Balwinder Singh, Narinder Singh, Manjit

Kaur have been recorded to the effect that they have compromised the matter amongst themselves.

4. The complainant/injured alwinder Singh, Narinder Singh, Manjit Kaur in their joint statement had stated that they have no objection in case the FIR in question is quashed.

5. The learned Judicial Magistrate 1st Class, Sri Anandpur Sahib, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.

6. In the instant case although offence under Section 307 IPC came to be added subsequently but it is not in dispute that both the parties are closely related being cousins and as a matter of fact in order to give effect to the compromise one of the party had already withdrawn its civil suit. Under these circumstances where the parties are closely related and are also residents of the same village, it would be in the fitness of things that the parties be permitted to compromise the matter so as to enable them to live harmoniously and amicably.

7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed DDR No. 26 dated 07.12.2019, Police Station Nurpur Bedi, District Rupnagar, under Sections 323, 341, 506, 148 and 149 IPC (Sections 325 and 307 IPC added later on) in case FIR No.144 dated 05.12.2019 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

14.02.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No