

MANISHA
2024.03.13 10:32
I attest to the accuracy and
authenticity of this
order/judgment

appearance and accepts notice on behalf of respondent No.1-State and seeks time to file reply, if any.

At this stage, Mr. Vishnu Dutt, Advocate puts in appearance on behalf of respondent Nos.2 to 5 and filed his power of attorney on behalf of respondent No.2, which is taken on record. He submits that the power of attorney on behalf of respondent Nos.3 to 5 shall be filed in the office before the next date of hearing.

Copy of the paper book be supplied during the course of the day.

Learned counsel for respondent Nos.2 to 5 affirmed the factum of compromise between the parties.

Let the parties appear before the trial Court/Area Magistrate, as the case may be, on 05.07.2023 for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 27.09.2023.”

3. In compliance of the above order and order dated 31.08.2023, a report has been received from the concerned jurisdictional Court that the statement of complainant Chander Kala along with injured Kusum, Raj Kumar and Ramesh Kumar was recorded and all three injured along the complainant have stated that they have mutually compromised the dispute with the petitioner, however, the report indicates that none of the petitioners have put in

appearance before the concerned jurisdictional Magistrate for recording their

statements in terms of the compromise.

4. Learned counsel for the petitioners submits that for quashing of FIR on the basis of compromise, the complainant and the injured victims are required to depose in support of the compromise. Moreover, it is a case of version and cross version, the FIR has already been quashed vide order dated 23.03.2024 passed in CRM-M-46118 of 2022 (Annexure P-3) in which both the parties had recorded their statements.

5. Learned counsel for respondent Nos.2 to 5 submits that he has no objection in case, the present petition is allowed and the cross-version case contained in Rapat (supra) is quashed.

6. 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*, this petition is allowed and Rapat No.33 dated 26.09.2015 registered under Sections 323, 341, 506, 148, 149 of Indian Penal Code (Section 325 IPC added later on) at Police Station Division A, Amritsar (Annexure P-1) in case FIR No.351 dated 25.09.2015 registered under Sections 323, 341, 506, 148, 149 of IPC (Section 325 of IPC added later on) at Police Station A-Division, District Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

March 12, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No