



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

318

CRM-M-28175-2024 (O&M)
Date of decision: 01.08.2024

ERA SOOD AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rajat Malhotra, Advocate
for the petitioners (through video conferencing).

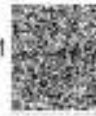
Mr. D.B. Singh, Sr. DAG, Punjab.

Mr. Vipul Goel, Advocate for
Ms. Jagdeep Kaur, Advocate
for respondents No.2 to 5.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No.34 dated 19.03.2021 under Sections 323, 341, 506, 34 IPC registered at Police Station Division No.8, District Ludhiana (Annexure P-1) and in cross version FIR No.85 dated 19.03.2021 registered at Police Station Division No.8, District Ludhiana under Sections 323, 324, 437, 506, 451, 149, 354-A IPC, on the basis of compromise deed dated 10.05.2024 (Annexure P-2) executed between the parties.

[2] Short reply by way of an affidavit of Jatin Bansal, PPS, Assistant Commissioner of Police, Civil Lines, Ludhiana along with copy of MLR of petitioner No.1 (Annexure R-1), MLR of petitioner No.2 (Annexure R-2) and



MLR of petitioner No.4 (Annexure R-3) filed on behalf of the respondent-State are taken on record.

[3] Learned counsel for the petitioners *inter alia* contends that the FIR was registered due to misunderstanding between the parties. The parties are neighbours. He further contends that the matter has been settled between the parties and compromise (Annexure P-2) has been executed between them. As such, respondents No.2 to 5 do not want to take any action in the FIR.

[4] Learned counsel for respondents No.2 to 5 confirms about the factum of compromise between the parties.

[5] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that on the basis of the version and cross-version of the FIR, none of the injuries are grievous in nature on the person of any of the injured.

[6] On 31.05.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. The said order reads as under:

‘Learned counsel for the petitioners contends that the FIR was registered due to misunderstanding between the parties. He further contends that the matter has been settled between the parties and compromise deed dated 10.05.2024 (Annexure P-2) has also been executed between them, as such respondents No.2 to 5 do not want to take any action in the present FIR.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent No. 1-State.

Ms. Jagdeep Kaur, Advocate has put in appearance on behalf of respondents No.2 to 5 and filed her power of attorney, which is taken on record. She confirms about factum of compromise between the parties.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 01.08.2024.

The parties are directed to appear before the trial Court/Illaq



Magistrate up-to 10.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing.'

[7] As per the report dated 22.07.2024 received from Chief Judicial Magistrate, Ludhiana forwarded through the office of District and Sessions Judge, Ludhiana, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'.

[8] The parties are neighbours; there are no grievous injuries on the person of any of the injured; and matter has been settled amicably between the parties, as such, further pursuing the matter on the basis of the FIR and cross version recorded in the DDR would not be in the interest of the parties.

[9] Keeping in view the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[10] Consequently, this petition is allowed and DDR No.34 dated 19.03.2021 under Sections 323, 341, 506, 34 IPC registered at Police Station Division No.8, District Ludhiana (Annexure P-1) and in cross version FIR No.85 dated 19.03.2021 registered at Police Station Division No.8, District Ludhiana under Sections 323, 324, 437, 506, 451, 149, 354-A IPC, on the basis of compromise deed dated 10.05.2024 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.



[11] However, the respondents No.2 to 5 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

[12] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01.08.2024

P.Bhatt

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