

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: **08.01.2025**

...Petitioners

...Respondents

...Petitioners

...Respondents

Mr. Ankush Rampal, Advocate
for the petitioners in CRM-M-34856-2024 and
for the respondents in CRM-M-34717-2024.

Mr. Rahul Rampal, Advocate
for the respondents in CRM-M-34856-2024 and
for the petitioners in CRM-M-34717-2024.

This order shall dispose of above mentioned two petitions i.e. CRM-M-34856-2024 and CRM-M-34717-2024 and for the sake of brevity facts have been taken from CRM-M-34856-2024.

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Cross-case/DDR No.39 dated 08.10.2018 registered under Sections 323, 324, 279, 427, 34 of IPC,1860 at Police Station Nehian Wala, District Bathinda in FIR No.132 dated 08.10.2018, registered under Sections 323, 325, 506, 427, 34 of Indian Penal

Code, 1860 (Annexure P-2) and all the subsequent proceedings arising therefrom, qua the petitioners, in light of the compromise dated 10.07.2024 effected between the parties (Annexure P-3).

2. The following order was passed on 12.08.2024 by the Co-ordinate Bench:-

“The petitioner(s) filed petition under Section 482 Cr.P.C. for quashing of Cross-case/DDR No. 39 dated 08.10.2018, registered under Sections 323, 324,279,427,34 of IPC,1860 at Police Station Nehian Wala, District Bathinda in FIR No. 132 dated 08.10.2018, registered under Sections 323, 325,506,427,34 of Indian Penal Code, 1860 and all the subsequent proceedings arising therefrom, qua the petitioners, in light of the compromise effected between the parties (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Gautam Thapar, AAG., Punjab accepts notice on behalf of the State and prays for time to file status report. Learned counsel for the petitioners is directed to supply him a complete copy of paper book.

Mr. Rahul Rampal, Advocate appeared on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Let the statements of petitioners and respondent No.2 be recorded with regard to the compromise on or before 10.09.2024 by learned Illaqa/Duty Magistrate concerned, as per the convenience of said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report i.e.

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine voluntary without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner(s) in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 26.09.2024.

Status report by the learned State counsel be also filed before the next date of hearing.”

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. Learned counsel for respondent Nos.2 and 3 submits that Jagvir Singh @ Jagbir is not injured witness in CRM-M-34856-2024, as such he is also not injured witness in the cross-version. So, his statement is not recorded in the present case, however, in the cross-case i.e. CRM-M-34717-2024, Jagvir Singh @ Jagbir is one of the petitioners and his statement in terms of the compromise has been recorded by the jurisdictional Court.

5. 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, 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 Cross-case/DDR No.39 dated 08.10.2018 registered under Sections 323, 324, 279, 427, 34 of IPC,1860 at Police Station Nehian Wala, District Bathinda **in/and** FIR No.132 dated 08.10.2018, registered under Sections 323, 325, 506, 427, 34 of Indian Penal Code, 1860 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

08.01.2025

Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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