
(2022) 02 P&H CK 0045

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 38927 Of 2019, 3829 Of 2022

Buta Singh And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 201, 323, 324, 325

Citation : (2022) 02 P&H CK 0045

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Sukhwinder Singh Dhillon, Balram Prashar, Sandeep Singh Deol

Final Decision : Allowed

Judgement

Harsimran Singh Sethi, J

Present applications have been filed for preponing the date of hearing of the main petitions i.e. CRM-M-38927-2019 and CRM-M-39280-2019, which now stand adjourned to 25.05.2022..

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on

behalf of respondent-State and Mr. Balram Prashar, Advocate, accepts notice on behalf of the respondent No.2-complainant in CRM-3829-2022 and

Mr. Sukhwinder Singh Dhillon, Advocate, accepts notice on behalf of respondents No. 2 and 3 in CRM-3835-2022 and they have no objection for the

grant of the prayer as raised in the present applications.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed and hearing the main

petitions i.e. CRM-M-38927-2019 and CRM-M-39280-2019 is preponed from 25.05.2022 to today.

By this common order, two petitions are being disposed of as these petitions arise of the same incident.

Present two petitions, which have been filed for quashing of FIR No.73 dated 26.07.2014 registered under Sections 325, 323, 201 and 34 of the IPC at

Police Station Kotbhai, District Sri Muktsar Sahib as well as the cross Rapat No. 24 dated 26.07.2014 registered under Sections 324, 323 and 34 of

the IPC at Police Station Kotbhai, District Sri Muktsar Sahib and all other subsequent proceedings arising therefrom, on the basis of compromise

entered into between the parties.

The Coordinate Bench of this Court on 24.01.2020 had passed the following order:-

â??The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and also for setting aside of judgment dated 12.3.2019

(Annexure P-3) passed by learned Judicial Magistrate 1st Class, Gidderbaha, District Sri Muktsar Sahib, whereby he has been convicted for offence

punishable under Section 325 read with Section 34 of Indian Penal Code, on the ground that the matter has since been resolved amongst the parties

being a cross-version.

In view of the aforestated position, the parties are directed to appear before the Court of learned Sessions Judge, Sri Muktsar Sahib, where the appeal

against judgment dated 12.3.2019 (Annexure P-3) is stated to be pending, on 5.3.2020 for getting their statements recorded qua the factum of

compromise.

The learned Sessions Judge, Sri Muktsar Sahib is directed to submit its report on or before the next date of hearing i.e. 5.5.2020 as regards

authenticity and genuineness of compromise after recording statements of all the affected parties.

The learned Sessions Judge, Sri Muktsar Sahib shall also furnish the following information:-

1. Whether there is any other accused other than the petitioners, arrayed in this petition?

2. Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition?.â??

A report has come from District and Sessions Judge, Sri Muktsar Sahib, addressed to the Registrar General of this Court dated 22.03.2021 along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant part of the said report is as under:-

â?? In compliance of the order, statements of complainant Piara Singh and joint statements of applicants/accused Boota Singh and Jagmeet Singh have been recorded along with their counsel to the effect that they had voluntarily compromised the matter. Statement of Investigating Officer SI Balwinder Singh was also recorded who stated that the above said applicants/accused were arrayed as accused in this case by the investigation agency and except them, there was no other accused involved or nominated nor arrest of any other accused was pending. He also stated that none of the accused had been declared proclaimed offender at any point of time. He further stated that PW Jagdev Singh and Makhan Singh were also the victims of the occurrence along with complainant Piara Singh.

It is thus submitted that the compromise effected between the parties appears to be a genuine and authentic one that has been seemingly arrived at between them without any undue influence, pressure and coercion. As per statement made by the Investigating Officer, there is no other accused other than the petitioners arrayed in this petition nor there is any other complainant or aggrieved party other than the victims Piara Singh, Jagdev Singh and Makhan Singh.

The requisite compliance report along with attested copies of statements of the parties as well as statement of SI Balwinder Singh Investigating Officer are also being sent herewith for the kind perusal. Accordingly, the report is submitted, as desired. Delay in submitting the report is highly regretted that has been caused due to the fact that normal functioning of the Court remained suspended because of the lockdown imposed in the meantime following outbreak of Covid-19 and the statement of the I.O could not be recorded.â? Learned counsel appearing for the respective parties submits that the parties to the dispute have already entered into compromise so

as to live peacefully and no useful purpose will be served in keeping the FIR No.73 dated 26.07.2014 as well as Rapat No.24 dated 26.07.2014 alive, hence, the same may kindly be quashed on the basis of said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR No.73 dated 26.07.2014 as well as Rapat No.24 dated 26.07.2014 on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise

to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the

accused-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR as well as Rapat No.24 dated 26.07.2014 on the

basis of the compromise.

Thus, the FIR No.73 dated 26.07.2014 registered under Sections 325, 323, 201 and 34 of the IPC at Police Station Kotbhai, District Sri Muktsar Sahib

as well as the cross Rapat No. 24 dated 26.07.2014 registered under Sections 324, 323 and 34 of the IPC at Police Station Kotbhai, District Sri

Muktsar Sahib and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of

compromise entered into between the parties.

The above order, quashing of FIR as well as Rapat No. 24 dated 26.07.2014, will be subject to the payment of Rs.15000/- as cost in each petition by

the petitioners, to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans)

in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali

Branch.