

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

CRM-M-28030-2013 (O&M)
Date of Decision: August 28, 2015

Paramjit Singh @ Harjeet Singh and others

.....Petitioners

Versus

State of U.T., Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.S.K.Bawa, Advocate
for the petitioners.

Mr.J.S.Toor, Add.P.P., Chandigarh (U.T.).

.....

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No.436, dated 14.12.2009, for the offences
punishable under Sections 323 and 506, IPC, read with Section
34, IPC, registered at Police Station, Manimajra, Chandigarh

(U.T.) and all consequential proceedings arising therefrom on the basis of compromise, dated 20.01.2013, Annexure P2.

Learned counsel for the petitioners at the very outset submits that petitioner No.5 Manmohan Singh is a proclaimed offender, therefore, he does not press this petition qua him (petitioner No.5-Manmohan Singh) at this stage.

Learned counsel for the State has no objection to the above prayer of withdrawal of the present petition qua petitioner No.5-Manmohan Singh at this stage.

Dismissed as withdrawn qua petitioner No.5 -Manmohan Singh at this stage.

Notice of motion of the above petition was issued to the respondents vide order dated 26.08.2013 passed by this Court. Learned trial Court was also directed to record the statements of the affected parties and send its detailed report vide order dated 04.02.2014

In compliance of the above, Rupinder Singh, a General Power of Attorney of Karamjit Singh -injured as well as Raminder Singh -injured did appear before the Court below and suffered their respective statements with regard to the compromise effected between the parties. A copy of the General Power of

Attorney was also placed on record.

Learned counsel for the petitioners has placed on record a certified copy of the statements suffered by Rupinder Singh on behalf of Karamjit Singh-injured and Raminder Singh-injured, which is taken on record.

Report received from learned trial Court would reveal that Rupinder Singh appeared on behalf of Karamjit Singh-injured and Raminder Singh-injured appeared in person and suffered their respective statements admitting the factum of compromise.

Learned counsel for the State, on instructions from Sub Inspector Mohinder Singh, Police Station, Manimajra, Chandigarh, very fairly concedes that the parties have sorted out their dispute and effected a compromise and in consequence thereof, the statements of the affected parties have been recorded and, as such, he has no objection if the impugned FIR and consequential proceedings arising therefrom, are quashed on the basis of compromise.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The brawl had taken place at a road side restaurant (Dhaba) at Manimajra between the petitioners-accused on the one hand and Karamjit Singh and Raminder Singh on the other. Simple injuries were received by Karamjit Singh and Raminder Singh. For the last about six years, the petitioners are facing trial. Due to intervention of the respectable and elderly people of the society, they have resolved their dispute and effected a compromise. The statements of the affected parties have been recorded. Report has also been received from learned trial Court to that effect.

Keeping in view the totality of the facts and circumstances of the case and taking into consideration the ratio of judgments delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), present petition is allowed. FIR No.436, dated 14.12.2009, for the offences punishable under Sections 323 and 506, IPC, read with Section 34, IPC, registered at Police Station, Manimajra, Chandigarh (U.T.) and all the consequential proceedings arising therefrom are quashed qua all

the petitioners except petitioner No.5-Manmohan Singh.

Disposed of accordingly.

August 28, 2015
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(NARESH KUMAR SANGHI)
JUDGE