

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

CRM-M-31657-2015

Date of Decision: December 08, 2015

CHARANJIT SINGH @ CHINTU AND OTHERS

....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. Rahul Jaswal, Advocate
for respondent Nos.2 and 3.

NARESH KUMAR SANGHI, J

Prayer in this petition filed under Section 482 Cr.P.C.,
is for quashing of DDR No.20 dated 01.09.2015, for the offences
punishable under Sections 148, 323, 324 and 452 read with
Section 149, IPC, being a cross-case in FIR No.62, dated
31.08.2015, for the offences punishable under Sections 148, 323,
324 and 326 read with Section 149, IPC, registered at Police
Station, Dhilwan, District Kapurthala, and all the consequential
proceedings arising therefrom, on the basis of compromise
(Annexure P-3).

Vide order dated 22.09.2015, the affected parties were directed to appear before learned Chief Judicial Magistrate, Kapurthala, for getting their respective statements recorded with regard to compromise. The said Court was also directed to send the copies of the statements alongwith his/her report to this Court in that regard.

As per the report dated 31.10.2015, received from learned Chief Judicial Magistrate, Kapurthala, Harjinder Singh and Sewa Singh, respondent Nos.2 and 3 respectively as well as the petitioners (six in number) did appear before the Court below and got recorded their respective statements with regard to compromise. Copies of the statement of Harjinder Singh has been received but copy of the statement of Sewa Singh has not been received. However, the report received from the Court below would spell out that Sewa Singh had also appeared before the said Court and suffered the statement admitting the factum of compromise.

Sh. Rahul Jaswal, Advocate representing Harjinder Singh and Sewa Singh has also admitted that both the injured did appear before the Court below and suffered their statements admitting the factum of compromise. He further submits that he has instructions to state at bar that respondent Nos.2 and 3 have no objection if the impugned FIR and consequential proceedings are terminated on the basis of compromise.

Learned State counsel after taking instructions from ASI Amarjit Singh of Police Station, Dhilwan, Distt. Kapurthala, has also adopted the same stand as taken by the learned counsel for the private respondent.

Sh. Vivek Thakur, Advocate representing the petitioners submits that it is a case of version and cross-version; a quarrel had taken place on a petty issue in which both the private factions had received injuries which have healed and now due to intervention of the relatives and respectable of the society, the issue has been resolved. They have decided to live peacefully and as such, the pendency of the DDR No.20 dated 01.09.2015 and all the consequential proceedings arising therefrom, would be a sheer abuse of the process of law.

After hearing learned counsel for the parties and going through the material available on record and drawing support from the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh Vs. State of Punjab and another 2012 (4) RCR (Criminal) 543** and judgment delivered by a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, DDR No.20 dated 01.09.2015, for the offences punishable under Sections 148, 323, 324 and 452 read with Section 149, IPC, being a cross-case in FIR No.62, dated 31.08.2015, for the offences punishable under Sections 148, 323,

324 and 326 read with Section 149, IPC, registered at Police Station, Dhilwan, District Kapurthala, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 08, 2015
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