

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

**CRM-M No. 17394 of 2015(O&M)
Date of Decision : 14.07.2016**

Manninder Singh alias Sammi and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Amit Dhawan, Advocate
for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Sartaj Singh Thakur, Advocate
for respondent No. 2.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C.quashing of F.I.R. No.265 dated 08.11.2010 registered under Sections 324, 341, 323, 34 IPC at P.S. Nakodar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 29.05.2015 the following order was passed:-

“Notice of motion for 06.10.2015.

Mr. Sartaj Singh Thakur, Advocate who is present, accepts notice on behalf of respondent No.2 on the asking of the Court and files Power of Attorney.

In the meanwhile, parties are directed to appear before the trial Court on 10.06.2015 for recording their statements on the compromise.

The trial Court would record statements of the parties on the terms of written compromise and report whether the compromise is genuine and without any pressure or coercion. The trial Court will send report alongwith original statements of parties and the compromise before the next date.”

Thereafter report from Judicial Magistrate 1st Class, Nakodar (Duty) dated 11.06.2015 has been received whereby she had mentioned that the parties had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. However, she had not mentioned as to whether any of the accused was a proclaimed offender. Therefore, further report was sought in this context and a report has been received from the Sub Divisional Judicial Magistrate, Nakodar dated 12.07.2016 wherein he has mentioned that there were four accused in this case and one of them named Sonu had been declared a proclaimed offender whereas the other three (petitioners in the present case) were on bail. Learned counsel for the petitioners has relied upon ***Jasvinder Singh v. State of Punjab and another*** reported as 2013(1) RCR(Criminal) 310 wherein the petitioner's FIR had been quashed even after he was declared a proclaimed offender since all of his co-accused had been acquitted. He has argued that in the present case it is the fourth accused who is a proclaimed offender and not the petitioners. Learned DAG is not in a position to cite any contrary judgment.

Consequently the petition is allowed and the F.I.R. No.265

dated 08.11.2010 registered under Sections 324, 341, 323, 34 IPC at P.S. Nakodar, District Jalandhar and all other consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**July 14, 2016
sunita**