

266.

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

CRM-M-23258-2016

Date of decision:19.10.2016

Joginder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arnav Sood, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Sumer Singh Brar, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(*Oral*)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.37 dated 13.02.2013 under Sections 452, 323, 336, 34 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioners states that Sections 452, 336 IPC and Sections 25/27/54/59 of Arms Act were deleted later on vide Jimni No.4 dated 03.04.2013 and the FIR survives only qua Sections 323, 34 IPC. He states that the offence under Section 323 IPC is not cognizable and, therefore, FIR cannot be registered. He further states that during the pendency of present petition and after issuing notice, the matter has been compromised with respondent No.2-complainant. Petitioner No.1-Joginder Singh is the real brother of complainant-respondent No.2 whereas petitioner

No.2-Jaskaran Singh is the nephew and petitioner No.3-Jasbir Kaur is sister-in-law.

On notice of motion having been issued, Mr. Sumer Singh Brar, Advocate, has put in appearance on behalf of respondent No.2-complainant-Sewa Singh and filed vakalatnama along with affidavit of complainant-Sewa Singh which is accompanied by the photocopy of his aadhaar card, the same are taken on record. As per affidavit, complainant has no objection in case FIR is quashed.

Heard learned counsel for the parties.

Taking into consideration the nature of offence as mentioned in the FIR and coupled with the fact that the parties are closely related to each other and the matter has been compromised between parties, this Court is of the view that no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.37 dated 13.02.2013 under Sections 323, 34 IPC, registered at Police Station Tanda, District Hoshiarpur (Annexure P-1), and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

(HARI PAL VERMA)
JUDGE

19.10.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.