

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-18421-2016

Date of decision : 29.03.2017

Rupinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.B.S. Baath, Advocate
for the petitioners.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

Mr.S.S. Gill, Advocate
for respondents no.2 to 4.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, FIR No.218 dated 08.10.2013, registered against the petitioners at Police Station Kurali, District S.A.S. Nagar, for the alleged commission of offences punishable under Sections 323, 341, 506, 427, 148, 149 IPC, is sought to be quashed, on the basis of a compromise arrived at between the petitioners-accused and respondents no. 2 to 4, i.e. the complainant and injured.

Vide an order of this Court dated 25.05.2016, the parties were directed to appear before the learned Illaqa Magistrate/trial Court, to get their statements recorded, in terms of the compromise.

Pursuant to that order, the report of the learned Additional Chief Judicial Magistrate, Rupnagar, is on record, to the effect that a joint

Singh was recorded before that Court, stating that they have compromised the matter with the accused without any coercion, pressure and undue influence.

Further, a joint statement of the petitioners, i.e. Rupinder Singh, Rajjat Rana @ Lala, Vishal Rana @ Jogi and Charanpreet @ Charanjit Singh Channi, have also been recorded before that Court to the effect that they have compromised with the complainant.

However, another person stated to be injured, i.e. Chetan Verma, did not appear before that Court to record his statement in respect of the compromise and therefore, as per the report of learned Additional Chief Judicial Magistrate, the statements remain incomplete.

However, Mr. Gill, learned counsel for respondent no.4, i.e. aforesaid Chetan Verma, has filed in Court today an affidavit of the said respondent, to the effect that he has compromised the matter with the petitioners on 16.05.2016.

The said respondent, i.e. Chetan Verma, is also stated to be present in Court and is identified by his counsel.

Mr. Baath further submits that co-accused Parminder Singh @ Phindi and Rahul Rathore had died after the registration of the FIR and as regards Davinder Singh @ Vicky, son of Ashok Kumar, his whereabouts are not known since that day.

Mr. Gill, learned counsel for respondent no.4, submits that the said respondent has no objection even if the FIR is quashed against the said Davinder Singh. He further points to the fact that in the joint statement of the petitioners and the other two persons on the complainant side, i.e. Gurinderpal Singh and Sukhwinder Singh, it has been stated that they are

not interested in pursuing the FIR in any manner.

(That reference has been made to the copy of the compromise deed annexed with the report of the learned Additional Chief Judicial Magistrate).

Keeping in view the aforesaid, as also the fact that the FIR is registered for the alleged commission of offences punishable under Sections 323, 341, 506, 427, 148, 149 IPC, which are not heinous offences, the parties having compromised the matter with each other, it would be in the interest of peace to quash the criminal proceedings.

Consequently, the petition is allowed and FIR No.218 dated 08.10.2013, registered against the petitioners at Police Station Kurali, District SAS Nagar, for the alleged commission of offences punishable under Sections 323, 341, 506, 427, 148, 149 IPC, along with all proceedings arising therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

March 29, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No