

In the High Court of Punjab & Haryana at Chandigarh.

**Date of decision: 19.09.2017
CRM-M-24631-2017**

Kesar Singh @ Varinderjit Singh

.... Petitioner.

VS.

State of Punjab and others

.... Respondents.

(2)

CRM-M-41528 of 2016

Gurpreet Singh @ Gura and others

.... Petitioners.

vs.

State of Punjab and others

.... Respondents.

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.G.S.Brar, Advocate
for the petitioner(s)

Mr.Rana Harjaspreet Singh, AAG Punjab

Mr. Amandeep Rana, Advocate for
Mr. H.S.Taragary, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU,J.(ORAL)

This order shall dispose of abovesaid two petitions for quashing of FIR No. 210 dated 20.10.2016 registered under Sections 341/307/323/324/506/379-B/427/148 and 149 of the Indian Penal Code (for short 'IPC') and Section 325 IPC added later on at Police Station Samrala, District Ludhiana and all other consequential proceedings arising therefrom, on the basis of affidavit/compromise deeds (Annexure P2 and Annexure P3) arrived at between the parties.

Reply by way of affidavit of Gurvinder Pal Singh, P.P.S.,

Deputy Superintendent of Police, Samrala Sub Division, Police District Khanna, District Ludhiana, has been filed on behalf of respondent No.1 in Court today and the same is taken on record and copy thereof supplied to the learned counsel for the petitioner.

It has been pointed out by learned counsel for the petitioner that in view of the report of Medical Officer, Civil Hospital Samrala, dated 22.11.2016 (Annexure R-1/T), injury No.2 is declared grievous; but “not endangering life.”

In view of the above, it has been pointed out that offence under Section 307 IPC, *prima facie* has not been made out against the petitioner.

The report of learned Sub-Divisional Judicial Magistrate, Samrala, has already been received by this Court and which clearly stipulates that compromise arrived at between the parties is genuine and valid. Respondent No.3-Rajwinder Singh (injured) has submitted in his affidavit dated 22.05.2017 (Annexure P3) that he had not got recorded the name of petitioner, but police got his signature on blank papers and he has further affirmed that the petitioner was not involved in the occurrence.

The above factual position is duly accepted by learned counsel for respondents No.2 and 3.

Thus in view of the above factual position, the chances of conviction are very bleak and continuation of criminal proceedings against the petitioner(s) will be a futile exercise.

Consequently, the petitions qua the petitioner(s) stand allowed and the FIR No. 210 dated 20.10.2016 registered under Sections 341/307/323/324/506/379-B/427/148 and 149 IPC and Section 325 IPC added later on at Police Station Samrala, District Ludhiana and all other

consequential proceedings arising therefrom are hereby quashed.

(MAHABIR SINGH SINDHU)
JUDGE

19.09.2017
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No