

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

**CRM-11664 of 2017 IN/AND
CRM-M-30578 of 2016 (O&M)**
Date of Decision: 07.04.2017

Karelal Mandal and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Veneet Sharma, Advocate,
for Mr. Deepak Aggarwal,
for the petitioners.

Mr. Rajesh Mehta, Additional Advocate General, Punjab,
for respondent No.1.

Mr. Sandeep Sharma, Advocate,
for respondent No.2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, FIR No.102 dated 14.07.2016, registered against the petitioners at Police Station Canal Colony, District Bathinda, for the alleged commission of offences punishable under Sections 324, 323, 148 and 149 of the Indian Penal Code (Section 326, 459 and 427 IPC were added later on), is sought to be quashed, on the basis of a compromise dated 17.08.2016 (Annexure P-2), arrived at between the petitioners-accused and respondent no. 2, i.e. the complainant.

Vide orders of this Court dated 18.01.2017 and 01.03.2017, the parties were directed to appear before the learned Area Magistrate, to get their statements recorded, in terms of the compromise.

Pursuant to the order dated 01.03.2017, the report of the learned Judicial Magistrate Ist Class, Bathinda, has been received, stating therein that the complainant, i.e. respondent no.2-Naresh Kumar alias Beeru, along with petitioners no.1 and 2, i.e. Karelal Mandal and Vijay Kumar, appeared before that Court and got their statements recorded, to the effect that they have compromised the matter voluntarily and without any coercion or undue influence. However, petitioner no.3, i.e. Deepu, did not appear before that Court. The said Deepu is seen to be (as per the memo of parties) a minor.

Copies of the statements of respondent No.2 and the petitioners, have also been annexed with the report.

Learned counsel for the parties are ad idem that petitioner no.4, i.e. Ishu son of Rattan Singh, has been, in fact, acquitted by the learned trial Court (Additional Sessions Judge, Bathinda), vide its judgment dated 26.10.2016 in Sessions Case No.183 of 2016. A copy of the said judgment is also sought to be placed on record vide CRM No.11664 of 2017.

That application is accordingly allowed and a copy of the judgment is taken on record.

Learned counsel for the petitioners submits that though the petitioners were not arraigned as accused in the report under Section 173 Cr.PC., however, they were also not declared innocent, thereby leading to the filing of the present petition.

Learned counsel for the complainant does not deny the aforesaid fact, which is also borne out from paragraph 2 of the judgment of the learned trial Court in the judgment in the case of Ishu aforesaid.

Considering the fact that the matter has been compromised in

respect of offences punishable under Sections 326, 323, 324, 459, 427 read with Section 34 IPC, which offences would not come in the category of heinous offences, it would be in the interest of peace to end criminal proceedings at this stage itself, especially as one of the accused, i.e. petitioner no.4, has already been acquitted, further keeping in mind the ratio of the law laid down by the hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.***

Consequently, the petition is allowed and FIR No.102 dated 14.07.2016, registered against the petitioners at Police Station Canal Colony, District Bathinda, for the alleged commission of offences punishable under Sections 324, 323, 148 and 149 of the Indian Penal Code (with Sections 326, 459 and 427 IPC added later), along with all proceedings arising therefrom, is hereby quashed.

07.04.2017
D.Bansal/adhikari

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*