

CRM No. M-31563 of 2017

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-31563 of 2017
Date of Decision : 25.10.2017

Beant Singh

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. Sandeep Virmani, Additional Advocate General,
Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of FIR No. 135 dated 17.10.2008 (Annexure P-1), under Sections 323, 325, 427, 148 and 149 of the IPC, registered at Police Station Kurali, District S.A.S. Nagar as well as the order dated 13.10.2015 (Annexure P-2), whereby the petitioner has been declared proclaimed offender and all other consequential proceedings arising therefrom on the basis of compromise, which has been arrived at between the parties.

Learned counsel for the petitioner contends that the co-accused of the petitioner have already been acquitted by the trial Court vide judgment dated 08.02.2016 and no purpose would be served if the petitioner undergoes fresh trial and, therefore, the proceedings deserve to be quashed. In support of his contention, he has placed reliance on the judgments of the Division Bench of this Court in the cases of *Sudo Mandal @ Diwarak Mandal Vs. State of Punjab*, 2011(2) RCR (Criminal) 453, *Jasvinder Singh Vs. State of Punjab and another*, 2013(1) RCR(Criminal) 310, *Balbir Singh Vs.*

State of Punjab and another, 2011(3) RCR(Criminal) 234 and *Deepak Vs. State of Punjab*, 2015(6) RCR(Criminal) 353.

This Court vide order dated 28.08.2017 had directed the parties to appear before the trial Court/Ilqa Magistrate for recording their statements with regard to the genuineness of compromise. The report of the Additional Chief Judicial Magistrate, Rupnagar, dated 11.09.2017 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or coercion.

The co-accused of the petitioner have been acquitted by the trial Court vide judgment dated 08.02.2016 and the matter has been compromised between the complainant and the petitioner.

In view of the law laid down in "*Narinder Singh Vs. State of Punjab*" 2014 (6) SCC 466, *Shiji @ Pappu and others Vs. Radhika and another(supra)* and *Sudo Mandal @ Diwarak Mandal Vs. State of Punjab (supra)*, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No. 135 dated 17.10.2008 (Annexure P-1), under Sections 323, 325, 427, 148 and 149 of the IPC, registered at Police Station Kurali, District S.A.S. Nagar as well as the order dated 13.10.2015 (Annexure P-2), whereby the petitioner has been declared proclaimed offender and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

October 25, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No