

CRM No. M-35246 of 2017

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-35246 of 2017
Date of Decision : 25.10.2017

Balwinder Singh

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Devinder Kumar, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Sandeep Virmani, Additional Advocate General,
Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of complaint bearing SC No. 45 dated 29.07.2005, under Sections 148, 325, 324, 323 read with Section 149 IPC which has been recorded as cross version in FIR No. 93, dated 21.06.2003, under Sections 307, 325, 323 read with Section 34 IPC, registered at Police Station Baghapurana, District Moga, on the basis of compromise (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner contends that all the accused in the afore-noted FIR have been acquitted. The petitioner had earlier been declared as Proclaimed Offender and he could not face the trial. He had later surrendered before the trial Court. He further states that the incident is the outcome of a dispute about sharing of water in the fields of the parties and now the matter has been compromised.

This Court vide order dated 21.09.2017 had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the genuineness of compromise. The report of the Additional Sessions Judge, Moga, dated 06.10.2017 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.

All the accused in the FIR have been acquitted. The matter with regard to the afore-noted complaint has been compromised and the parties want to live in peace and harmony.

In view of the law laid down in "*Narinder Singh Vs. State of Punjab*" 2014 (6) SCC 466 and *Shiji @ Pappu and others Vs. Radhika and another(supra)*, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and complaint bearing SC No. 45 dated 29.07.2005, under Sections 148, 325, 324, 323 read with Section 149 IPC which has been recorded as cross version in FIR No. 93, dated 21.06.2003, under Sections 307, 325, 323 read with Section 34 IPC, registered at Police Station Baghapurana, District Moga and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

(ANUPINDER SINGH GREWAL)
JUDGE

October 25, 2017
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<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>