

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-38966-2016

Date of Decision: 21.03.2017

Baljinder Singh @ Sanga

.....Petitioner

vs.

U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Brar, Advocate,
for the petitioner.

Mr. Deepinder Brar, A.P.P., for U.T., Chandigarh.

Mr. Jagvinder Singh Santwal, Advocate,
for respondents no. 2 and 3.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No. 202 dated 29.07.1999, registered for the alleged commission of offences punishable under Sections 147, 149, 382, 323, 364 and 506 IPC is sought, on the basis of a compromise stated to have been reached between the petitioner and respondents no. 2 and 3, of whom respondent no. 2 is the complainant in the FIR. Respondent no. 3 is stated to be a person who was injured at the hands of the petitioner and his co-accused on the date of the occurrence.

Pursuant to the order of this Court dated 18.01.2017, the report of the learned Judicial Magistrate Ist Class, Chandigarh, dated 08.03.2017, has been received, stating therein that the statements of respondents no. 2 and 3, i.e. Avtar Singh and Jaswant Singh, as also of the petitioner,

compromise and as per the assessment of that Court, the compromise has been reached between the parties voluntarily and without any pressure or coercion.

Copies of the statements have also been annexed with the report.

Though it is seen that the FIR also alleges an offence punishable under Section 364 IPC and as such, this Court would otherwise be reluctant to quash an FIR even on the basis of a compromise, however, learned counsel for the petitioner points out that all the co-accused of the petitioner, i.e. Dayal Partap Singh Randhawa, Gurpartap Singh alias Guri, Ajay Pal, Bhupinder Benewal, Harpreet Singh alias Rajan and Santokhwinder Singh alias Nabha, have been acquitted by the learned trial Court, vide its judgment dated 13.03.2002, a copy of which has been annexed as Annexure P-2 with the petition.

He further submits that no role greater than that of the co-accused has been attributed to the petitioner and the only reason why he was also not acquitted by the said judgment, is because he was declared to be a proclaimed offender.

Learned counsel submits that as a matter of fact the petitioner was abroad during the course of the trial and is now a citizen of Canada, which is the reason that he did not face trial along with his co-accused.

The factual position is not denied by either learned Public Prosecutor or counsel for respondents no. 2 and 3.

Having heard learned counsel for the parties, since quashing of the FIR in question is sought on the basis of a compromise reached between the petitioner-accused and the complainant and his companions, as also the

fact that all the co-accused of the petitioner whose roles are seen to be either identical or less than that of the petitioner, in the occurrence, have all been acquitted of the charges framed against them, I see no purpose in continuing with criminal proceedings against the petitioner in this case.

Consequently, FIR No. 202 dated 29.07.1999, registered at Police Station West, Chandigarh, for the alleged commission of offences punishable under Sections 147, 149, 382, 323, 364 and 506 IPC, along with all proceedings arising therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

March 21, 2017

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Whether speaking/reasoned
Whether Reportable

Yes
No.