

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

CRM-M-30863-2018 (O&M)

Date of Decision:- 22.10.2018

Deepak Mahay @ Deepa and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navraj Singh, Advocate, for the petitioners.

Ms. Ruchika Sabbharwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The present petition has been filed for quashing of FIR No. 9 dated 25.1.2018 under Sections 325, 341, 506, 148, 149 IPC, Police Station Pojewal, Shaheed Bhagat Singh Nagar and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 23.7.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements recorded.

Report of learned Sub-Divisional Judicial Magistrate, Balachaur, S.B.S. Nagar has been received to the effect that statement of complainant Jarnail Singh and also of petitioners/accused Deepak Mahay @

Deepa, Vijay Kumar @ Vijay, Avtar Ram @ Tara, Ravinder Singh @ Ravi and Gurvinder Singh @ Neeraj have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The complainant has specifically stated that he has no objection if the FIR in the present case is quashed. The learned Sub-Divisional Judicial Magistrate, Balachaur, S.B.S. Nagar opined that the parties have entered into the compromise voluntarily, without there being any pressure, coercion or undue influence.

At this stage it has come to notice that there are two identical statements of one Ravinder Singh @ Ravi son of Paramjit Singh bearing same signatures but two different photographs affixed thereupon, as annexed with the report received from learned Sub-Divisional Judicial Magistrate, Balachaur, S.B.S.Nagar. Moreover, the parentage of said Ravinder Singh does not tally with petitioner No.3 Ravinder Singh @ Ravi son of Balvir Singh @ Kala, as is shown in memo of parties.

In view of the aforesaid position and the report of learned Sub-Divisional Judicial Magistrate, Balachaur, S.B.S.Nagar and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is accepted qua petitioners No.1, 2, 4 and 5 and FIR No. 9 dated 25.1.2018 under Sections 325, 341, 506, 148, 149 IPC, Police Station Pojewal, Shaheed Bhagat Singh Nagar and all the consequent proceedings arising therefrom are hereby quashed qua petitioners No.1, 2, 4 and 5. However, the petition is dismissed qua petitioner No.3 i.e. Ravinder @ Ravi son of Balvir Singh @ Kala with

liberty to file afresh after clarifying regarding the aforesaid inconsistency regarding parentage.

October 22, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No