

Crl. Misc. No. M-43592 of 2017

Date of Decision: September 25, 2018

Gurmail Singh @ Kala Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Vivek K. Thakur, Advocate  
for the petitioner

Mr. R.S. Bains, DAG Punjab

Mr. Vishal Satija, Advocate  
for respondent No. 2

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**Sudhir Mittal, J. (Oral)**

The present petition has been filed for quashing of FIR No. 16 dated 01.04.2015 registered under Sections 379, 323, 149, 120-B IPC at Police Station Begowal, District Kapurthala.

It has been contended by learned counsel for the petitioner that his co-accused in the same FIR have already been acquitted by the Judicial Magistrate Ist Class, Kapurthala, vide judgment dated 03.12.2015, as during the trial respondent No. 2 - complainant did not support the prosecution version. The petitioner was declared proclaimed offender. Now, he has compromised the matter with respondent No. 2 – Complainant (Bhola Singh @ Bhulla Singh). By placing reliance upon the Division Bench judgment of this Court in ***Sudo Mandal @ Diwarak Mandal vs. State of Punjab, 2011(2) RCR(Criminal) 453***, it is prayed that the FIR aforementioned be quashed.

Learned counsel for respondent No. 2 has admitted the factum of compromise between the parties.

Keeping in view the fact that the co-accused of the petitioner have already been acquitted by the Judicial Magistrate Ist Class, Kapurthala, on the ground that the complainant – respondent No. 2 did not support the prosecution case and that the petitioner has compromised the matter with the complainant – respondent No. 2, no useful purpose would be served by continuing the trial against the petitioner before the trial Magistrate.

In view of the above and the ratio of the judgment in *Sudo Mandal @ Diwarak Mandal's case (supra)*, the petition is allowed and FIR No. 16 dated 01.04.2015, registered under Sections 379, 323, 149, 120-B IPC at Police Station Begowal, District Kapurthala, alongwith the consequential proceedings having arisen therefrom, is quashed qua the petitioner.

September 25, 2018

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**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**