

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

273

CRM-M-12610-2019(O&M)

Date of Order:01.10.2019

Akashdeep Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Batth, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Raminder Singh Joon, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

Petitioner prays for quashing of FIR No.28, dated 19.04.2017, registered under Sections 307/148/149 IPC (Section 302 IPC added later on), at Police Station Jhander, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

On the statement of Harjinder singh, Member Panchayat, FIR No.28, dated 19.04.2017 was registered against 6 accused. A separate trial was held for 5 accused as the petitioner did not appear and was declared proclaimed offender which resulted in their acquittal as prosecution witnesses did not support prosecution's case. This petition has been filed on the basis of judgment passed by the Division Bench of this Court in the case of **Sudo Mandal @ Diwarak Mandal vs. State of Punjab** (Crl. Appeal No.D-638-DB of 2007, decided on 17.03.2011).

Learned counsel for the petitioner contends that on the similar ground, the petitioner is also seeking quashing of the FIR and subsequent proceedings including the order by which petitioner was declared

proclaimed offender.

Notice was issued.

Mr. Raminder Singh Joon, Advocate, has put in appearance on behalf of respondent no.2. He admits that the allegations against the petitioner as well as remaining 5 accused were same and he has no objection, if the FIR is quashed.

Respondent no.2 is present in the court, identified by his counsel as well as by ASI Nachitter Singh, the Investigating Officer. He has also stated that he has no objection, if the FIR is quashed.

Consequently, in view of the consensus arrived at effected between the parties and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR(Criminal) 429** and a Division Bench of this Court in **Sudo Mandal @ Diwarak Mandal's** case (Supra), no useful purpose would be served in prolonging the litigation.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.28, dated 19.04.2017, registered under Sections 307/148/149 IPC (Section 302 IPC added later on), at Police Station Jhander, District Amritsar, and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

October 01, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No