

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14143-2019

Date of Decision: 07.11.2019

Gurdeep Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Rai, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Avtar Singh Sandhu, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No. 110 dated 29.07.2003, is sought, as is registered against the petitioner at Police Station Mahilpur, District Hoshiarpur, for the alleged commission of offences punishable under Sections 452, 323 and 324 of the IPC, read with Section 34 thereof. Quashing is sought on the basis of a compromise arrived at between the petitioner (accused) and respondent no. 2, i.e. the complainant.

Vide an order of this Court dated 26.09.2019, the parties were directed to appear before the learned trial Court to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order, the report of the learned Judicial Magistrate Ist Class, Hoshiarpur, dated 16.10.2019, has been sent to this Court, in which it is stated that the complainant-respondent no. 2 (Baljinder Singh) suffered

a statement before that Court on 09.10.2019, to the effect that he is the only injured person in the occurrence and that he has entered into a compromise with the petitioner, with two other accused, i.e. Beant Singh and Gurnam Singh, having already been acquitted by the trial Court, and with another accused, Rachhpal Singh, having filed a similar petition as the present one before this Court, the FIR having been quashed qua him vide an order passed in CRM-M-36584 of 2011 on 27.02.2012.

As per the report, he has further stated that he has no objection if the FIR in question is quashed qua the present petitioner also, i.e. Gurdeep Singh, with the petitioner also having made a statement to the effect that the matter has been amicably compromised between the parties.

In the opinion of that Court, the compromise effected is genuine and without any pressure or undue influence.

In view of the above, in the opinion of this Court, it would be pointless to continue with criminal proceedings, the parties having fully compromised the matter of their own free will.

Consequently, the petition is allowed and FIR No. 110, dated 29.07.2003, registered against the petitioner at Police Station Mahilpur, District Hoshiarpur, for the alleged commission of offences punishable under Sections 452, 323 and 324 of the IPC, read with Section 34 thereof, along with all proceedings emanating therefrom, including the order dated 24.10.2005, declaring him to be a proclaimed offender, is hereby quashed.

It is to be, of course, noticed that an FIR and proceedings therein being quashed on the basis of a compromise reached between the parties, naturally, is to be seen differently from proceedings initiated against any litigant, in terms of Section 82 of the Cr.P.C., with him thereafter having been declared to be a

proclaimed offender; yet, the FIR in question itself being of the year 2003, with two other co-accused of the petitioner having been acquitted by the trial court and proceedings against the third co-accused also having been quashed after he had compromised the matter with the complainant, it would be unfair, in the opinion of this court, to treat the present petitioner any differently.

November 07, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.