

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

CRM-M No.31000 of 2019

Date of decision: 10th December, 2019

Hardial Singh & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Petitioners in person along with
 Mr. Sukhmeet Singh, Advocate.

 Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
 for the respondent No.1/State.

 Respondents No.2 to 4 in person along with
 Mr. Kulwinder Singh, Advocate.

FATEH DEEP SINGH, J. (ORAL)

Report dated 11.09.2019 of learned Addl. Chief Judicial Magistrate, Moga has been received whereby after recording statements of complainant Gurdial Singh, injured Surjit Singh and Zora Singh, and the accused persons namely Hardial Singh, Karaj Singh, Rajvir Singh and Mahabir Singh, the Court has shown its satisfaction that the compromise has been arrived at voluntarily, out of free will of the parties, without any undue influence, coercion or pressure.

Moreover, during the course of interaction with the parties, they have shown their resolve to end the dispute and have made

statements that they have compromised the matter as per compromise (Annexure P2) dated 16.05.2019 and shall abide by the same.

Heard.

As has been conceded to at the bar by learned counsel for both sides, there are two injuries, one on the right arm of Gurdial Singh alleged to be by way of Kappa blow and the other on the left hand of Hardial Singh. The doctor merely opined both these injuries to be grievous in nature when it is well enunciated law, reliance of which can be sought from the ratio laid down in '**Hori Lal & another vs. State of U.P.**' (1970) 1 SCC 8, that merely because there were injuries inflicted and were cut does not amount to a fracture unless or until there is a break in the bone and in the present case not even anything has come about to show in the expert evidence as to the extent of the cut regarding both these injuries, whether it was a mere scratch or not and it would be quite difficult to concur that these injuries fell within the definition of Section 326 IPC. Therefore this Court does not accept that prima facie either of these injuries is covered under the term 'grievous'.

In view thereof and in the light of the satisfaction shown by the Court and the fact that parties belong to the same very area and the offences for which the accused have been hauled up are not of serious nature, together with the fact that compromise will go a long way in ironing out differences for betterment of future life of the parties and in view of the law laid down in '**Gian Singh v. State of Punjab and**

another’ 2012(4) RCR (Criminal) 543 and ‘Kulwinder Singh and others v. State of Punjab and another’ 2007 (3) RCR (Criminal) 1052, the prayer made in the petition is allowed, proceedings by way of FIR No.40 dated 25.06.2018 under Sections 452, 324, 323, 354, 326, 34 IPC pertaining to Police Station Fatehgarh Panjtoor, District Moga and all consequences arising out of the said FIR qua the petitioners are quashed.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 10, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No