

Crl. Misc. No. M-310 of 2019

Date of Decision: February 25, 2019

Budh Harpreet @ Budhu Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Ms. Suminderdeep Kaur, Advocate
for respondent No. 2

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Sudhir Mittal, J. (Oral)

The petitioner has filed the instant petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 99 dated 14.06.2005, registered under Sections 452, 379, 323, 324, 427, 326, 148, 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bholath, District Kapurthala and also the order dated 10.11.2013 passed by JMIC Kapurthala (Annexure P-7) on the basis of compromise dated 18.07.2018 (Annexure P-10) as also on the basis of fact that his co-accused were acquitted vide judgment dated 01.05.2014 passed by learned Additional Sessions Judge, Kapurthala.

Vide order dated 10.01.2019, notice of motion was issued and the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded as regards the compromise.

Pursuant to order dated 10.01.2019, Judicial Magistrate Ist Class, Kapurthala has submitted her report and on the basis of statements of the parties, it has been reported that they have effected compromise voluntarily and without any threat, coercion or pressure and that the compromise is genuine.

presented before the Illaqa Magistrate and during the trial, the petitioner was summoned under Section 319 of the Code of Criminal Procedure, 1973. He did not appear pursuant to the process so issued by the trial Court and ultimately was declared as proclaimed offender. Pursuant to order of this Court, the petitioner has surrendered before the Illaqa Magistrate/trial Court and got his statement recorded as regards the compromise. His co-accused were acquitted by the learned Judicial Magistrate Ist Class, Kapurthala, vide judgment dated 02.09.2013 (Annexure P-8) and upon appeal before the Sessions Court, they were convicted under Section 448 of the IPC and were released on probation.

Keeping in view the fact that the parties have amicably settled their grievance against each other and the facts and circumstances of the case, I am of the view that interest of justice would be served if the parties are allowed to live with peace and tranquility. Thus, in view of the above and ratio of Division Bench judgment of this Court in ***Sudo Mandal @ Diwarak Mandal vs. State of Punjab, 2011(2) RCR(Criminal) 453***, instant petition is allowed and the FIR No. 99 dated 14.06.2005, registered under Sections 452, 379, 323, 324, 427, 326, 148, 149 IPC at Police Station Bholath, District Kapurthala and all the consequential proceedings having arisen therefrom, are hereby quashed, qua the petitioner.

February 25, 2019
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No