

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

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CRM-M-25472-2020

Date of Decision : 01.09.2020

Ricky @ Akash and others

..... Petitioners

vs

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.A.K.Spehia, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Quashing of FIR No. 0095 dated 13.05.2020, under Sections 323, 324, 148 and 149 IPC (Sections 326 and 307 was added later on) registered at Police Station, Kartarpur, District Jalandhar (Annexure P-1) and subsequent proceedings arising therefrom, are being sought on the basis of compromise dated 22.06.2020 (Annexure P-3).

FIR (Annexure P-1) was registered on the basis of statement made by Amarjit @ Abbu-respondent No.2 to the effect that on 10.05.2020 at about 8.00 pm his son Gupreet Singh @ Gopi went to Diyalpur stand for his personal work and when he was returning back then accused persons beaten his son. Thereafter he along with his son, nephew and grandson went to the houses of the accused persons for asking about this incident. When they reached near the Balmiki temple, the accused persons became angry and caused injuries to him. He raised a noise of 'Maar ditta Maar ditta' and upon this all the accused persons ran away from the spot with their respective weapons. In this background, the FIR was registered.

Notice of motion.

On asking of the Court, Mr. Hittan Nehra, Addl.A.G., Punjab, accepts notice on behalf of the State and upon instructions from ASI Baljinder Singh has informed the Court that the matter has been duly compromised between the parties. He further states that challan has not been presented so far and no one is in custody.

At this stage, Mr. J.S.Chatrath Advocate has put in appearance on behalf of respondents No.2 to 7 and states that the matter has been amicably resolved as per compromise dated 22.06.2020 (Annexure P-3). He further states that even in the cross version compromise has been effected. In this regard, petition has already been filed.

A perusal of the compromise deed dated 22.06.2020 (Annexure P-3) shows that the compromise has been effected voluntarily, without any pressure, coercion and with free will of the parties. They have no objection if the FIR (Annexure P-1) is quashed. Photocopy of Aadhaar card of Amarjit @ Abbu-Complainant (respondent No.2) has been attached.

Keeping in view the prevailing Covid-19 situation and the fact that the compromise has been effected between the parties vide compromise deed dated 22.06.2020 (Annexure P-3), whereby they have decided to get the FIR quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of FIR in the interest of justice. Consequently, in view of the judgments passed by the Hon'ble Supreme Court in **Madan Mohan Abbot vs. State of Punjab 2008(4) SCC 582**, and the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052**, no useful purpose would be

served in prolonging the litigation.

Accordingly, FIR No. 0095 dated 13.05.2020, under Sections 323, 324, 148 and 149 IPC (Section 326 and 307 was added later on) registered at Police Station, Kartarpur, District Jalandhar, is quashed with all consequential proceedings arising therefrom qua the petitioners.

Petition stands allowed accordingly.

01.09.2020
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(RITU BAHRI)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No