

CRM-M-26086-2019
Date of Decision: 03.03.2020

Sanjay Kumar @ Sanjay Kapoor @ Sunny ... Petitioner
vs.

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. B.S.Sewak, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

Briefly, FIR bearing No. 85 dated 26.06.2014 under Sections 326/323/148 and 149 IPC has been registered at Police Station Model Town, Ludhiana on the score that the petitioner alongwith his brother Bablu had inflicted injuries on the person of respondents 2 to 4.

It has been stated by learned counsel for the petitioner that Bablu (co-accused) was declared innocent and his name has been reflected in column No.2 of the report under Section 173 Cr.P.C. and this fact has not been disputed by learned State counsel.

On 01.07.2019, notice of motion was issued and parties were directed to appear before the trial Court for getting their statements recorded with regard to the compromise arrived at between them.

Pursuant to above-said order dated 01.07.2019, report has been received from the Judicial Magistrate, 1st Class, Ludhiana and relevant portion whereof reads as under-

“The complainant Surinder Singh Sekhon, Dr. Yashpal Dhawan and Rubal Dhawan vide their separately recorded statement stated that the present FIR has been registered against the accused on their statement and now with the intervention of respectable, they have compromised the matter with accused voluntarily without any pressure or any threat and they have no objection if the present FIR and other proceedings against the accused are quashed. They also

proved the copy of compromise Ex.C1 already available on the judicial file. The accused Sanjay Kumar @ Sanjay Kapoor @ Sunny vide his separately recorded statement also stated that with intervention of respectable, he has compromised the matter with the complainant voluntarily without any pressure or any threat and copy of compromise is Ex.C1.

Therefore, by considering the statements of the accused Sanjay Kumar @ Sanjay Kapoor @ Sunny and complainant Surinder Singh Sekhon, Dr. Yashpal Dhawan and Rubal Dhawan and the copy of compromise Ex.C1, it makes out that the parties of the present case have compromised the matter with their free will and without any pressure and influence, so this compromise between the parties appears to be genuine, voluntarily and valid.

It is further submitted that accused Sanjay Kumar @ Sanjay Kapoor @ Sunny stated that there is no other case pending against him. It is also further submitted that accused Sanjay Kumar @ Sanjay Kapoor @ Sunny is on bail”

In view of said circumstances and following the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and others 2007(3) R.C.R. (Criminal) 1052***, the present petition is allowed. FIR bearing No. 85 dated 26.06.2014 under Sections 326/323/148 and 149 IPC registered at Police Station Model Town, Ludhiana and all the consequential proceedings having arisen therefrom are hereby quashed qua the petitioner.

03.03.2020
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(VIVEK PURI)
JUDGE

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