

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

228

**CRM-M-28979 of 2021
Date of Decision:26.10.2021**

Sahib Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab

Ms. Sheenam Kamboj, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 27.07.2021 the following order had been passed in this case by
this court:-

“This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioners and respondent no.2, of FIR no.46 dated 01.04.2021 (as also all other subsequent proceedings arising therefrom), registered at Police Station Sadar Batala, Police District Batala, for the alleged commission of offences punishable under Sections 323, 452, 506 and 34 of the IPC. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondent no.1.

Ms. Sheenam Kamboj, Advocate, appears and accepts notice on behalf of respondent no.2.

A copy of the petition be emailed to them during the course of the day.

Adjourned to 26.10.2021.

In the meanwhile, the petitioners, as also respondent no.2 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 02.09.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein as to whether any other criminal cases, of like nature or otherwise were ever registered against the petitioner.”

Pursuant thereto, a report of the learned JMIC, Batala, dated 03.09.2021, has been received, stating to the effect that the statement of the complainant in the FIR, i.e. respondent no.2, Yadwinder Singh, was recorded before that court as were the statements of the petitioners, Sahib Singh, Surinder Singh and Captain Singh, to the effect that the matter has been amicably settled between them and as per the assessment of that court, the settlement has been

reached by the parties of their own free wills.

The statement of ASI Surinder Singh was also recorded to the effect that there is no other “complainant” or injured in the FIR (other than Yadwinder Singh).

Copies of the statements having been annexed with the report.

An affidavit dated 14.10.2021 has also been filed on behalf of the respondent State, which is ordered to be taken on record.

As per the said affidavit, there is no other criminal case registered against the petitioners.

Counsel for the complainant does not deny that the compromise between the parties still subsists.

That being so, looking at the nature of the offences alleged to have been committed and the matter having amicably settled between the parties, the petition is allowed and FIR No.46, dated 01.04.2021, registered at Police Station Sadar Batala, for the alleged commission of offences punishable under Sections 323, 452 and 506 of the IPC, read with Section 34 thereof, along with all proceedings emanating therefrom, is hereby quashed.

October 26, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No