

Kashmir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gagandeep Singh Simble, Advocate, for the petitioner.
Mr. V.G. Jauhar, Sr. D.A.G., Punjab.

Ms. Deepshivjot Mann, Advocate,
for respondents no.2 and 3.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks quashing of FIR No.34, dated 01.03.2018, registered at Police Station City Batala, District Batala, alleging therein the commission of offences punishable under Sections 307/323/34 of the IPC (with Section 307 of the IPC deleted later), as also all other subsequent proceedings arising therefrom, on the basis of an affidavit and a compromise (copy Annexures P-2 and P-3), arrived at between the petitioner and respondents no.2 and 3.

On 15.02.2021, the following order had been recorded by this court:-

“Case heard by video conference.

Pursuant to the order of this court dated 02.11.2020, the report of the Sub Divisional Judicial Magistrate, Batala, dated 24.12.2020, is on record, stating therein that the petitioner as also the complainant and the injured, i.e. respondents no.2 and 3 herein (Sunil and Virochan), appeared before the learned JMJC, Gurdaspur, and recorded their separate statements to the effect that the matter has been compromised between the parties of their own free consent, with the petitioner also having made a similar statement before that court.

A separate statement of the investigating officer was also recorded to the effect that the petitioner is not a proclaimed offender; and as per the instructions of learned State before this court today, there is no other criminal case pending against him.

As per the assessment of that court the compromise reached between the parties is without any pressure and coercion.

However, in the said report it is not stated anywhere that the offence punishable under Section 307 of the IPC has been deleted from the FIR, as was recorded in the order of this court dated 02.11.2020 on the contention of learned counsel for the petitioner.

A gazetted officer is directed to file an affidavit stating therein as to whether the alleged commission of the said offence was found to be false, or whether it still exists in the FIR, also annexing with his affidavit the MLR in respect of the injuries received by the complainant and respondent no.3 (and any other person injured in the occurrence).

If there is any other criminal case registered against the petitioner, that fact should also be brought out in the affidavit.

Adjourned to 10.03.2021.”

Today, Ms. Deepshivjyot Mann, Advocate, appears for respondents no.2 and 3 and has sent a power of attorney executed in her favour by the said respondents by way of a “Whatsapp” communication to the Reader of this court.

The same be placed on record in the Registry of this court, within 3 days from today.

In view of the report of the learned SDJM, Batala, as also the fact that the offence punishable under the provisions of Section 307 of the IPC has been deleted, even as per instructions of learned State counsel, I would see no reason to continue with criminal proceedings once the matter has been amicably settled between the parties.

That being so, looking at the nature of the offence alleged to have been committed by the petitioner and the fact that the matter has been compromised between the parties, the present petition is allowed and FIR No.34, dated 01.03.2018, registered at Police Station City Batala, District Batala, alleging therein the commission of offences punishable under Sections

307/323/34 of the IPC (with Section 307 of the IPC deleted later), along with all proceedings emanating therefrom, is hereby quashed.

March 25, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No