

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-13841-2021  
Reserved on : 15.12.2021  
Pronounced on: 05.01.2022

Sahil and others .....Petitioners

Vs.

State of Punjab and others .....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Dhawan, Advocate for the petitioner(s).  
Mr. Harsimar Singh Sitta, AAG, Punjab.  
Ms. Nritika Verma, Advocate for respondents No.2 to 5.

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ANOOP CHITKARA J.

| FIR No. | Dated      | Police Station                                                  | Sections                     |
|---------|------------|-----------------------------------------------------------------|------------------------------|
| 419     | 27.10.2020 | Division No.5, District<br>Police Commissionerate,<br>Jalandhar | 323, 324, 506, 148 & 149 IPC |

The petitioners, who have been arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise with the victims.

2. The gist of the allegations against the petitioner(s) is that on 27.10.2020, police recorded the statement of the complainant (respondent No.2 herein) under Section 154 Cr.P.C. in the following terms:-

He alleged that on 25.10.2020 at about 10 pm, when he had gone to the house of his friend then he heard a commotion in the street. He noticed that Sahil, Paras Kumar, Jhumru and 5-6 unidentified persons were making noise. All of them were having iron datar and they caught hold him and started assaulting him with the iron datar etc. On

hearing hue and cries, the passer byes gathered and rescued him from their clutches. In the meantime his friend Ajay Dev and Mohan Lal also came but they also inflicted injuries upon them and thereafter they ran away from the spot.

3. During the pendency of the petition, the accused and the injured have entered into an out of Court compromise, and its copy is annexed with this petition as **Annexures P-2 & P-3**.

4. Learned counsel appearing for respondents No.2 to 5 submits that they have no objection if the present FIR along with all consequential proceedings, is quashed.

5. The petitioners have come up before this Court to quash the FIR along with all consequential proceedings based on the compromise and in the quashing petition, the injured have been impleaded as respondent(s).

6. Vide order dated 26.03.2021, Co-ordinate Bench of this Court had permitted the parties to get their statements recorded, which is reproduced as under:-

*“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.*

*Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.419 dated 27.10.2020, registered under Sections 323, 324, 506, 148, 149 IPC, 1860 at Police Station Division No.5, District Police Commissionerate Jalandhar along with all consequential proceedings emanating therefrom, on the basis of affidavits, Annexure P/2 and P/3 dated 18.01.2021 and 08.01.2021 respectively, as well as the decision of Hon’ble the Full Bench of this Court in Kulwinder Singh Versus State of Punjab 2007(3) RCR (Criminal) 1052.*

*Notice of motion.*

*Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties on the basis of affidavits, Annexure P/2 and P/3 dated 18.01.2021 and 08.01.2021 respectively as well as the judgment cited by learned counsel for the petitioners.*

*Mr. Vishesh Dogra, learned counsel accepts notice and puts in appearance on behalf of respondent Nos.2 to 5 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of on the basis of affidavits, Annexure P/2 and P/3 dated 18.01.2021 and 08.01.2021 respectively as well as the judgment cited by learned counsel for the petitioners.*

*Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned IllaqaMagistrate/ Duty Magistrate concerned for recording of their statements in terms of affidavit, Annexure P/2 and P/3 dated 18.01.2021 and 08.01.2021 respectively on 12.04.2021, or any other date thereafter, convenient to the learned Illaqa Magistrate/ Duty Magistrate concerned.*

*Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.*

*List on 11.05.2021.*

*Reply, if any, be filed in the meantime.”*

7. In compliance to the order dated 26.03.2021, passed by this Court, report of the learned JMIC, Jalandhar, has been received. As per the statement of ASI Balwinder Kumar recorded on oath, it is specifically stated that Abhay Dev, Mohan Lal, Jadwinder @ Rinku & Ram Partap were also injured in the said occurrence. A perusal of the report received from the concerned Magistrate reveals that although the accused persons had made statement regarding compromise but the statement of Mohan Lal alone was recorded. Thus there is no statement of injured persons-Ram Partap, Abhay Dev and Jadwinder @ Rinku.

8. On 17.11.2021, time was also extended to appear before the concerned Court for recording the statements of the parties, but the aforesaid injured persons did not appear before the Court for recording their statements.

9. Given above, the petition is **dismissed**. However, liberty is reserved to the petitioners to file a fresh quashing petition in which there shall be no necessity for re-recording of the statement of the accused and Mohan Lal. But the petitioners can seek statement regarding all the other injured persons. It shall be open that the petitioners may pray for call for the record of CRM-M-13841-2021 in the fresh petition, if filed. It shall also be open to annex the copies of the statements.

(ANOOP CHITKARA)

JUDGE

05.01.2022

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Whether speaking/reasoned: Yes

Whether reportable: No