

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20479-2022
Reserved on: 28.07.2022
Date of Pronouncement: 06.09.2022

Avtar Singh Zira & others
...Petitioner (s)
Versus
State of Punjab & another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. K.B. Raheja, Advocate
for the petitioner(s).

Mr. H.S. Sitta, DAG, Punjab.

Mr. Jasdeep Singh, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
114	6.12.2017	Mallanwala, District Ferozpur	307, 506, 120B, 148, 149 IPC, 25& 27 Arms Act and later added deleted offence under Section 307 IPC & 25 Arms Act and challan being presented under Sections 336, 201, 506, 148, 149, 120-B IPC read with Section 27 Arms Act.

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-3.

3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.

4. On 31-05-2022, the aggrieved person Satpal (R-2) stated before the SDJM Zira and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 15-06-2022, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. Although the Investigating Officer ASI Darshan Singh appeared in the court and stated that there is no other aggrieved person except the respondent/complainant Satpal, yet a perusal of FIR (Annexure P-1, page 13 of the petition, 4th line from foot of the page) reveals that the complainant had stated that the bullet had crossed through him and his companion Angrej Singh. The petitioner is silent as to whether the investigator had cited the said Angrej Singh as a witness or had found this part of version as incorrect. Otherwise, the said person Angrej Singh is a necessary party for getting the matter compromised.

6. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity re-examine the complainant/aggrieved person Satpal and the accused, whose statements stand recorded. The copies of the statements alongwith report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

September 06, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.