

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32048-2022 (O&M)

Date of Decision:- 27.7.2022

Sanjeev Kumar @ Sanju

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satinderpal Singh Dhaliwal, Advocate, for the petitioner.

Mr. Khushkaran Kumar, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. This is the second petition filed on behalf of petitioner-Sanjeev Kumar @ Sanju seeking quashing of FIR No.213, dated 14.7.2016, Police Station Jodhewal, District Ludhiana, under Sections 452, 427, 506, 148, 149 IPC and Sections 25/54/59 of Arms Act (Annexure P-1), and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. A perusal of order dated 5.4.2022 passed in CRM-M-30443-2021 (Annexure P-5) shows that 'Jaspreet Singh and others' had earlier filed a petition in this Court seeking quashing of FIR (Annexure P-1) on the basis of compromise which was accepted by this Court.
3. Learned counsel for the petitioner has today passed on memo of parties of the earlier petition i.e. CRM-M-30443-2021, which indicates that the petitioner was arrayed as petitioner No.3 in the said case. The same is taken on record subject to all just exceptions.

4. A perusal of paragraph No.4 of order dated 5.4.2022 would indicate that petitioner-Sanjeev Kumar @ Sanju was arrayed as petitioner No.3 in the said case though his statement was not recorded during the said proceedings. However, the statement of complainant Sukhjinder Singh had been duly recorded as is mentioned in para No.5 of Annexure P-5 wherein it is categorically stated that he has no objection in case FIR is quashed. Consequently, the FIR (Annexure P-1) was quashed. The operative portion of order dated 5.4.2022 (P-5) reads as follows:

“7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.213, dated 14.7.2016, Police Station Jodhewal, District Ludhiana, under Sections 452, 427, 506, 148, 149 IPC and Sections 25/54/59 of Arms Act and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.”

5. The aforesaid paragraph duly indicates that the FIR in question was quashed in toto qua all the petitioners. As such, the aforesaid petition filed on the premises that statement of petitioner-Sanjeev Kumar @ Sanju had not been recorded earlier in the earlier petition is rather misconceived and is hereby dismissed as such.

27.7.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No