

CRM-M-6757-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(220)

CRM-M-6757-2022 (O&M)
Date of Decision:- 16.12.2023

Surinder Kumar and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Arshdeep Kaur, Advocate for
Mr. Akshay Rana, Advocate for the petitioners.

Mr. Harkanwarjeet Singh, AAG, Punjab.
for State-respondent No.1.

Mr.C.S.Rana, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No.18, dated 09.07.2019 registered for offences under Sections 379-B, 323, 506, 148 and 149 IPC, at Police Station Sidhwan Bet, District Ludhiana in case FIR No. 135, dated 09.07.2019, registered for offences under Sections 324, 506, 379-B, 148 and 149 IPC, at Police Station Sidhwan Bet, District Ludhiana Rural Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 23.12.2021, Annexure P-2, arrived at between the parties.

2. Status report by way of affidavit of DSP, Jagraon, District Ludhiana (Rural) has been filed on behalf of the State-respondent No.1. By making a reference to the status report, State counsel submits that offence under Section 379-B of IPC has been deleted. On verbal instructions, he submits that on completion of investigation, cancellation report has been filed both in the FIR as well as in the DDR.
3. Counsel representing complainant-respondent No.2 submits that he does not have any objection in case the criminal proceedings are set aside.
4. Heard counsel for the parties.
5. Pursuant to orders, passed by this Court, report has been received from the learned Judicial Magistrate, which is a part of record of connected case (CRM-M-5798-2022). Its relevant extract is as under:-

“ I am satisfied 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. The above named parties have placed on record their identity proofs which are correct as per original and copies of the same are attached herewith for your kind perusal and both the above named parties have been duly identified by their respective counsel.

It was assured beforehand that both the petitioners and complainant are giving their statements voluntarily without any pressure and I am satisfied that, the compromise effected between them is genuine and voluntary and without any coercion or undue influence.”

6. In view of the report given by the learned Magistrate and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and***

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another, 2012(4) RCR (Criminal) 543 and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would bring an end to the animosity enabling the parties to lead a harmonious and peaceful life.

7. Accordingly, petition is allowed. DDR No.18, dated 09.07.2019 registered for offences under Sections 379-B, 323, 506, 148 and 149 IPC, at Police Station Sidhwan Bet, District Ludhiana in case FIR No. 135, dated 09.07.2019, registered for offences under Sections 324, 506, 379-B, 148 and 149 IPC, at Police Station Sidhwan Bet, District Ludhiana Rural Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

16.12.2023
pooja saini

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No