

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2023:PHHC:049370
CRM-11980-2023 in/and
CRM-M-6933 of 2021
Date of Decision: April 11, 2023**

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ish Puneet Singh, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

CRM-11980-2023

Main petition is fixed for 08.05.2023. This application is moved for pre-poning the actual date of hearing.

Heard.

Allowed.

The matter is taken up today itself for hearing of the main case.

Application is allowed.

Main Case

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.60, dated 31.01.2011, registered at Police Station Rawalpindi, District Phagwara, under Sections 307, 326, 325, 324, 323, 148 and 149 of IPC qua the petitioner on the basis of compromise.

On 31.03.2021, following order was passed by this Court:-

“Present petition has been filed seeking quashing of FIR No. 60 dated 31.10.2011 under Sections 307, 326, 325, 324, 323, 148 and 149 IPC registered at Police Station Rawalpindi Phagwara, District Phagwara.

Learned counsel for the petitioner states that soon after the

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registration of the FIR, the compromise was effected between the parties. In view of the compromise the petitioner had gone to Italy to earn his livelihood. In absence of the petitioner, the petitioner was declared proclaimed person vide order dated 03.07.2012. The other five co-accused of the petitioner faced trial, however, on account of all prosecution witnesses having been turned hostile, they were acquitted vide order dated 01.05.2013 (P-6) by learned Additional Sessions Judge, Kapurthala. Subsequently, two juvenile co-accused were acquitted vide judgment dated 29.01.2014 by learned Principal Magistrate, Juvenile Justice Board, Kapurthala. It is stated that co-accused namely, Jaskaran Singh filed a petition bearing CRM-M-43647 of 2016 (P-11) seeking quashing of FIR qua him on the basis of compromise entered into with the complainant. After their statements were recorded before the concerned Magistrate, this Court vide order dated 11.01.2019 (P-11) quashed the FIR qua the said accused.

It is in these circumstances learned counsel for the petitioner contends that the continuation of the proceedings qua the petitioner would not be in the interest of justice. He states that the petitioner had earlier filed petition bearing CRM-M-33521 of 2018 seeking quashing of FIR on the basis of compromise, however, the said petition was withdrawn with liberty to file a fresh one. Thereafter, the complainant has expired.

Notice of motion for 28.05.2021.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent/State.”

It is pointed out by learned counsel that four co-accused have already been acquitted vide judgment dated 01.05.2013, whereas two more co-accused, who were juvenile were also acquitted by the Juvenile Justice Board, vide judgment dated 29.01.2014. Attention is further drawn towards the compromise dated 13.12.2012 (Annexure P-5), which is signed by all the injured as well as accused and there is reference at the time of compromise that petitioner Hardeep Singh was a

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proclaimed offender and the compromise had been effected for the benefit of those persons also.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No.60, dated 31.01.2011, registered at Police Station Rawalpindi, District Phagwara, under Sections 307, 326, 325, 324, 323, 148 and 149 of IPC qua the petitioner on the basis of compromise, are hereby quashed.

April 10, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No