

CRM-M-8936-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224)

CRM-M-8936-2023

Date of Decision:- 01.09.2023

Amrik Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amaninder Singh Sekhon, Advocate
for the petitioners.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Mr. P.P.S. Brar, Advocate for
Mr. K.B.S. Mann, Advocate
for the respondents No.2 to 4.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.73 dated 08.09.2013, registered for offences under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860, however, later on Sections 325 and 326, IPC were added at Police Station Sadiq, District Faridkot, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise by way of affidavits dated 10.02.2023, executed by complainant-respondent No.2 and injured-respondents No.3 and 4, Annexures P-3 to P-5.

2. Pursuant to order dated 19.05.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1) Number of persons arrayed as accused.

In FIR No.73 dated 08.09.2013 under Sections 326, 325, 324, 323, 148, 149, IPC, the police of PS Sadiq nominated 11 numbers of accused, namely Guramninder Singh, Manjinder Singh, Darshan Singh, Amrik Singh, Amarjeet Singh, Sukham Singh, Sukhwinder Kaur, Harjinder Kaur, Kuldeep Kaur, Paramjit Kaur and Pardeep Kaur for causing injuries to complainant Daler Singh, Amarjeet Singh and Lakhvir Kaur.

2) Whether any accused is proclaimed offender?

No accused was declared proclaimed offender.

3) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

As it is evident from the statements suffered by the complainant as well as injured and all the accused, they testified before this court that the matter has been amicably settled by them voluntarily without coercion and undue influence. The parties further acknowledged that such amicable settlement among them will bring harmony in their relations and they will abide by the terms and conditions of such compromise.

Hence, this court is satisfied that the compromise effected between the parties is genuine and correct and that the compromise is not the result of any fraud or misrepresentation and is the result of their free will.

4) Whether the accused persons are involved in any other FIR or not?

No fact has been brought before this court by either of the parties to prove the involvement of any of the accused in other FIR.

5) Number of victims/complainants in the FIR as per the versions of investigating officer.

The investigating officer acknowledged Daler Singh, Amarjeet Singh and Lakhvir Kaur being injured persons of this case.”

3. Counsel representing respondents No.2 and 3 does not have any objection in case the compromise is given effect to.
4. Heard counsel for the parties.
5. Dispute has been amicably resolved amongst the parties on the basis of compromise by way of affidavits dated 10.02.2023, executed by complainant-respondent No.2 and injured-respondents No.3 and 4, Annexures P-3 to P-5.
6. In view of the report given by the Trial Court and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and 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 enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.73 dated 08.09.2013, registered for offences under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860, however, later on Sections 325 and 326, IPC were added at Police Station Sadiq, District Faridkot, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

01.09.2023
Kamal

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