

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

CRM-M-17324-2016 (O&M)
Date of decision: 01.08.2023

Deewakar Sehgal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

Mr. Mahipal S. Yadav, Advocate
for the complainant-respondent No.1.

SUVIR SEHGAL, J. (ORAL)

CRM-16380-2016

Application for exemption is allowed as prayed for.

CRM-M-17324-2016

1. Instant petition has been filed under Section 482 Cr.PC read with Article 227 of the Constitution of India seeking quashing of FIR No.107 dated 26.09.2015 under Sections 323, 341, 148, 149, 506, 382 of Indian Penal Code, 1860 registered at Police Station Division No.8, Ludhiana, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

2. At the outset, in view the report submitted by the trial Court, counsel for the petitioner has sought and is granted permission to withdraw the petition insofar as petitioner Nos.2 to 4 are concerned with liberty to approach this Court again.

3. **Dismissed as withdrawn qua petitioner Nos.2 to 4 with the
aforesaid liberty.**

4. Counsel for the petitioner submits that FIR (Annexure P-1) has been registered on the basis of the statement of complainant-respondent No.2 on the allegation that on 24.09.2015 when he was going to his college, he was surrounded by 5-6 persons, who attacked him with iron rods, baseball bats and hockey. They pulled out the key of the motorcycle and threatened to eliminate him and after physical assaulting him, assuming to be dead, they snatching his gold chain and fled. Counsel submits that while getting the treatment at CMC Hospital, Ludhiana, he named the petitioners, as the assailants. Counsel submits that FIR is an outcome of a petty dispute amongst the youngsters and has been settled by compromise which is reflected through affidavit dated 16.02.20216 (Annexure P-2) executed by the complainant-respondent No.2. By further making a reference to the reply filed by the State, which is taken on record, counsel submits that offence under Section 382 IPC has been deleted during the investigation. Still further he submits that parties have appeared before the trial Court and their statements have been recorded in respect of the compromise.

5. State counsel submits that copy of the compromise was submitted to the Investigating Agency and after conducting a preliminary inquiry, cancellation report was prepared but it was not submitted before the competent Court.

6. Counsel for the complainant-respondent No.2 has admitted the factum of compromise and does not oppose the prayer made in the petition.

7. I have heard the counsel for the parties.

8. Pursuant to the order dated 05.09.2016 passed by this Court, report has been received from the trial Court after recording the statement of the complainant and petitioner No.1, the relevant extract of which is as under:-

4. In view of statements of the complainant and accused it is apparent that the matter has been compromised only between the

complainant and the accused Diwaker Sehgal whereas the FIR was registered against four accused namely Diwakar Sehgal, Sajan Handa, Sunny, Peeta. The accused Sajan Handa, Sunny, Peeta have been declared proclaimed Person by the court of the undersigned vide order dated 16.08.2016.”

9. Keeping in view the settlement between the parties, report of the trial Court and the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties, who are youngsters and residents of the same locality, to lead a peaceful and harmonious life.

10. Accordingly, petition is allowed. FIR No.107 dated 26.09.2015 (Annexure P-1) under Sections 323, 341, 148, 149, 506, 382 of Indian Penal Code, 1860 registered at Police Station Division No.8, Ludhiana, District Ludhiana along with all subsequent proceedings arising therefrom, is quashed **qua petitioner No.1.**

01.08.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No