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. 2023:PHHC:137742

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16222-2023 (O&M)

Date of Decision:20.10.2023

Gurwinder Singh @ Goldy and others

...Petitioners

vs.

State of Punjab and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Vaibhav Nagori, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-26219-2023

Application is allowed as prayed for, subject to just all exceptions.

Main case

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No. 97 dated 22.07.2020 under Sections 307,323 and 34 of IPC (Section 325 IPC added later on) registered at Police Station Jalalabad District Fazilka (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise.

2. Vide order dated 12.07.2023 while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise.

3. Pursuant to aforesaid order, the parties have appeared before the

Sessions Judge, Fazilka and got their statements recorded. Report dated 31.07.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. Learned State counsel submits that in the present case, during the course of investigation, the offence under Section 307 IPC has been added in the present case. However, he admits that there is no medical record, whereby , any injury suffered by the injured has been declared to be dangerous to life.

5. I have heard counsel for the parties and gone through the case file.

6. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

7. Resultantly, FIR No. 97 dated 22.07.2020 under Sections 307,323 and 34 of IPC (Section 325 IPC added later on) registered at Police Station Jalalabad District Fazilka (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(N.S.SHEKHAWAT)
JUDGE

20.10.2023
hitesh

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