

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235A

CRM-M-23499-2022

Date of Decision:04.08.2023

Kulwinder Singh and Another
Vs.
State of Punjab and Others

.....Petitioners

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Kumar Saini, Advocate for
the petitioners.

Mr. Randeep Singh Khaira, DAG, Punjab.

Mr. Satnam Singh, Advocate with
Mr. Sunil Kumar Dahiya, Advocate for
Mr. Harsh Chopra, Advocate for
respondent Nos.2 to 4.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.43 dated 22.03.2021 under Sections 323, 336, 506, 34 of the IPC and Section 27, 54, 59 of Arms Act in F.I.R. No.47 dated 22.03.2021 registered under Sections 323, 341, 324, 34 of the IPC (Sections 325, 326 of the IPC added later on) registered at Police Station Machhiwara, Police District Khanna and all subsequent proceedings arising therefrom on the basis of compromise dated 29.03.2022 (Annexure P-3).

This Court vide order dated 27.05.2022 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

Learned Judicial Magistrate 1st Class and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 15.06.2022 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondent Nos.2 to 4 have not disputed the factum of compromise 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 DDR No.43 dated 22.03.2021 under Sections 323, 336, 506, 34 of the IPC and Section 27, 54, 59 of Arms Act in F.I.R. No.47 dated 22.03.2021 registered under Sections 323, 341, 324, 34 of the IPC (Sections 325, 326 of the IPC added later on) registered at Police Station Machhiwara, Police District Khanna and all subsequent proceedings arising therefrom on the basis of compromise dated 29.03.2022 (Annexure P-3), are quashed qua the petitioners.

August 04, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No