

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

CRM-M-21877-2023

Date of decision:-13.09.2023

Ajaypal Singh @ Shera and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Umesh Aggarwal, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Ms.Aayushi Jindal, Advocate for
Mr.Prateek Sodhi, Advocate
for respondent No.2.

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.312 dated 27.12.2022, under Sections 323, 325, 506, 34 IPC, registered at Police Station Gate Hakima, Amritsar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that a minor altercation took place between the parties due to a misunderstanding, which has been resolved and the dispute has been amicably settled between the parties.

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3. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 01.05.2023 passed by this Court, report has been received from the Area Magistrate, relevant extract of which is as under:-

“(i) There are total four accused namely Ajaypal Singh @ Shera, Manmeet Singh @ Monu, Jaipreet Singh @ Johny and Jasbir Singh @ Jasbeer Singh @ Raja in the present case. None of the accused persons has been facing trial as challan in the present FIR has not been presented in the court till date;

(ii) The challan has not been presented before the Court till date against any of the accused persons;

(iii) None of the accused persons has been declared proclaimed offender in the present case;

(iv) The present case is still at the stage of investigation;

(v) This Court is satisfied that the compromise in the present case is genuine and valid, which is result of free will of the parties;

(vi) The statement of Investigating Officer has been recorded with regard to points no.(i), (ii), (iii) and (iv), as above.”

6. In view of this development, report of the learned Magistrate and 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***

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(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.312 dated 27.12.2022, under Sections 323, 325, 506, 34 IPC, registered at Police Station Gate Hakima, Amritsar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

13.09.2023
Brij

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