

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-24886-2023

Date of Decision:- 11.09.2023

Mohammad Rashid and others

...Petitioners

VERSUS

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj K. Sharma, Advocate for the petitioners.

Mr. Rajiv Vij, A.P.P., U.T., Chandigarh for respondent No.1.

Mr. Vikramjeet Singh, Advocate for

Mr. Rakesh K. Sharma, 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.065 dated 03.04.2021, registered for offences under Sections 323, 341, 506, 147, 148 and 149 of the Indian Penal Code, 1860, however, later on Sections 326 and 324, IPC were added, at Police Station Sector-36, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 21.02.2023, Annexure P-2, arrived at between the parties.
2. Counsel for the petitioners submits that FIR, Annexure P-1, has emanated from a petty altercation between the parties, which has been amicably settled.

3. Counsel representing complainant-respondent No.2 does not have any objection in case the criminal proceedings are set aside.

4. Pursuant to order dated 16.05.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“(i) The present case FIR has been registered against only five accused persons namely Mohd. Rashid, Ashwani, Ravi, Tabresh and Sachin Kumar Bharti. Accused Sachin Kumar Bharti has been kept in column no.2 of report so furnished under Section 173 Cr.P.C.

(ii) From the statements of parties as well as Investigating Officer, as per the record, no other criminal case has been found to be registered against accused Mohd. Rashid, Ashwani, Ravi, Tabresh and Sachin Kumar Bharti and they have not been declared proclaimed in any other criminal case.

(iii) From the statements of parties, it appears that the compromise is genuine/correct and has been effected between parties voluntarily, out of free will and without any coercion or undue influence and is not result of any fraud or misrepresentation.”

5. Heard counsel for the parties.

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.065 dated 03.04.2021, registered for offences under Sections 323, 341, 506, 147, 148 and 149 of the Indian Penal Code, 1860, however, later on Sections 326 and 324, IPC were added, at Police Station Sector-36, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

11.09.2023
Kamal

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