

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

(273-2)

CRM-M-27033-2023

Date of Decision:- 11.09.2023

Bhajan Singh and others**...Petitioners****VERSUS****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Harjinder Singh, Advocate for
Mr. Paras Khindri, Advocate for the petitioners.

Mr. Anup Singh, DAG, Punjab for State-respondent No.1.

Ms. Navjot Kaur, Advocate for
Mr. Avtar Singh Khinda, 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 DDR No.24 dated 23.04.2017, lodged for offences under Sections 295 and 34, IPC, at Police Station Sadar Kapurthala, District Kapurthala, Annexure P-1, in FIR No.62 dated 23.04.2017, registered for offences under Sections 323, 324 and 34, IPC, at Police Station Sadar Kapurthala, District Kapurthala, Annexure P-2, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.05.2023, Annexure P-3, arrived at between the parties.

2. Pursuant to order dated 26.05.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“(i) As per statement of Investigating Officer, Retired Inspector Pawan Kumar, there are 5 accused namely Rajwinder Kaur wife of Amrawat Singh, Bhajan Singh S/o

Swarn Singh, Babli W/o Bhajan Singh, Jaspreet Kaur D/o Bhajan Singh, all R/o Village Khojewal, PS Sadar, Kapurthala and Harjinder Singh @ Kala S/o Gurdev Singh R/o Wadala Manjki, District Jalandhar. Report under Section 173 Cr.P.C. was submitted in the Hon'ble Court against the abovesaid one accused namely Rajwinder Kaur and the remaining other four abovesaid accused namely Bhajan Singh, Babli, Jaspreet Kaur and Harjinder Singh @ Kala were kept in column no.2 of the report under Section 173 (8) Cr.P.C. submitted in the Hon'ble Court. Later on, the abovesaid four accused namely Bhajan Singh, Babli, Jaspreet Kaur and Harjinder Singh @ Kala were summoned by the Hon'ble Court during the proceedings of the case as additional accused under Section 319 Cr.P.C.

(ii) As per statement of Investigating Officer, Retired Inspector Pawan Kumar, none of the accused is Proclaimed offender in the present case.

(iii) In view of the statements so made by both the aboveseaid parties, this Court is of the considered opinion that compromise is genuine and both abovesaid parties have entered into compromise voluntarily, without any coercion and undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties.

(iv) Investigating Officer, Retired Inspector Pawan Kumar submitted that as per the record of the police station Sadar, Kapurthala, no criminal case, FIR other than the present case is pending or decided against the abovesaid petitioners/accused.

(v) As per statement of Investigating Officer, Retired Inspector Pawan Kumar, complainant Gurpal Singh is the only injured/victim in the present case.

(6) It is further submitted that if the compromise is accepted, it would be beneficial for both the parties.”

3. Counsel representing respondent No.2 does not have any objection in case prayer made in the petition is acceded to.
4. Heard counsel for the parties.
5. Dispute has been amicably resolved amongst the parties with the intervention of the respectables by virtue of compromise, Annexure P-3.
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. DDR No.24 dated 23.04.2017, lodged for offences under Sections 295 and 34, IPC, at Police Station Sadar Kapurthala, District Kapurthala, Annexure P-1, in FIR No.62 dated 23.04.2017, registered for offences under Sections 323, 324 and 34, IPC, at Police Station Sadar Kapurthala, District Kapurthala, Annexure P-2, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

11.09.2023

Kamal

(SUVIR SEHGAL)
JUDGE

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