

CRM-M-28283-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28283-2023

Date of decision:-07.12.2023

Harjot Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Namish Sodhi, Advocate for
Mr.Anmol Puri, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Ms.Tanya Kanwar, Advocate for
Mr.S.S. Bedi, 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.219 dated 25.09.2022, under Sections 323, 324, 148, 149 IPC, registered at Police Station Ajnala, District Amritsar Rural, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise Annexure P2, arrived at between the parties.

2. Counsel appearing for the petitioners submits that FIR has been registered on account of a minor altercation between the parties, which has been amicably settled between the parties vide compromise, Annexure P2.

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3. Upon instructions, State counsel submits that the matter is under investigation.

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

5. Heard counsel for the parties.

6. Pursuant to order dated 31.05.2023 passed by this Court, report has been received from the Sub-Divisional Judicial Magistrate, Ajnala, relevant extract of which is as under:-

“(1) In the present case there six persons namely Harjot Singh son of Sukhwinder Singh, Sukhwinder Singh son of Ghulla Singh, Hari Singh son of Amanpreet Singh, Inderjit Singh son of Hardeep Singh, Manpreet Singh son of Inderjit Singh and Gurusahib Singh @ Sahib Singh son of Gurdip Singh are arrayed as accused in the present FIR and some unknown person(s) are also mentioned in FIR but they are not arrested till today, as per statement of IO.

(2) In the present case, the accused persons have not been declared proclaimed offender, as per statement of IO and accused.

(3) All the accused persons and complainant are party to compromise and the said compromise is genuine, voluntary and without any coercion or undue influence.

(4) As per the statement of the IO and accused, accused persons are not involved in any other FIR/criminal case.

(5) As per the statement of the IO, there is only one victim/complainant namely Shanker Mukheya son of Laxmi

involved in the present FIR and there are six accused namely Harjot Singh son of Sukhwinder Singh, Sukhwinder Singh son of Ghulla Singh, Hari Singh son of Amanpreet Singh, Inderjit Singh son of Hardeep Singh, Manpreet Singh son of Inderjit Singh and Gurusahib Singh @ Sahib Singh son of Gurdip Singh.”

7. In view of the report given by 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 (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.

8. Accordingly, the petition is allowed. FIR No.219 dated 25.09.2022, under Sections 323, 324, 148, 149 IPC, registered at Police Station Ajnala, District Amritsar Rural, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

07.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No