

CRM-M-33129-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(291)

CRM-M-33129-2022

Date of Decision:- 28.11.2023

Manoj Kumar Sharma and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Partap S. Pathania, Advocate
for the petitioners.

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

Mr. Virender Partap Singh, Advocate for
Mr. Nagesh Paul, Advocate
for the complainant-respondent No. 2 and
injured-respondents No.3 to 6.

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.16 dated 03.02.2022, registered for offences under Sections 307, 323, 324, 506, 148 and 149, IPC, at Police Station Division No.2, Pathankot, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 01.04.2022, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners contends that FIR, Annexure P-1, has been registered after an altercation took place between two groups over holding of a rally of a political party. He submits that complainant is closely related to petitioners No.1 and 2. He submits that although challan

has been presented under Section 307, IPC, but in the status report filed by the State, it has been stated as under:-

“4. That the injured/ Respondent No. 3 to 6 were medically examined and their Medical Legal Reports (MLR) is being placed on record as ANNEXURE R1/1 (Colly). However, the injured/ Respondent No. 3 to 6 did not get the X-Ray conducted and for this reason, the medical board constituted to determine the nature of injuries opined "In view of the abovementioned MLRs, none of the person has undergone any investigation. So, the nature of injury can't be commented upon."

It is his argument that offence under Section 307, IPC, is not made out and the parties have appeared before the Trial Court for recording of their statements in support of the settlement.

3. State counsel has, however, opposed the petition and submits that after investigation, challan has been filed under Section 307, IPC, but charge has not been framed.

4. Counsel representing complainant-respondent No.2 and injured-respondents No.3 to 6 has, however, supported the prayer in the petition and submits that they do not have any objection in case the criminal proceedings are quashed.

5. Heard counsel for the parties.

6. Pursuant to order dated 16.11.2022 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“(i) The compromise appears to be genuine, voluntary and without any coercion or undue influence

(ii) Except accused/petitioner Akash Sharma @ Gosha

and Gulshan Kumar, the remaining accused/petitioner are on bail

(iii) As per statement of Investigating Officer, accused/petitioner Manoj Kumar, Vinod Kumar, Gosha @ Akash Sharma and Gulshan Kumar are involved in other cases as per list attached herewith.

(iv) It is submitted that no one is declared as proclaimed offender in this case.”

7. In view of the report given by the learned Magistrate 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.

8. Accordingly, the petition is allowed. FIR No.16 dated 03.02.2022, registered for offences under Sections 307, 323, 324, 506, 148 and 149, IPC, at Police Station Division No.2, Pathankot, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

28.11.2023
Kamal

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