

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(256)

CRM-M-34818-2023

Date of Decision:- 08.12.2023

Shubkarman Singh @ Shubkarmanbir Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nitin Narula, Advocate for the petitioners.

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

Mr. Sandeep Sharma, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0272 dated 29.11.2022, registered for offences under Sections 323, 325, 341, 506 and 34 of the Indian Penal Code, 1860, at Police Station Ajnala, District Amritsar Rural, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 15.07.2023, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that petitioners as well as complainant are school going youngsters, who had an altercation over a misunderstanding, which has been removed and dispute has been settled by compromise, Annexure P-2.

3. Upon instructions received from ASI, Parabhjit Singh, State counsel submits that the matter is under investigation.
4. Counsel representing complainant-respondent No.2 does not have any objection in case the criminal proceedings are set aside.
5. Heard counsel for the parties.
6. Pursuant to order dated 20.07.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“(i) In the present case there are four accused named in FIR as Shubkarman Singh @ Suhbkarmanbir Singh son of Gurjeet Singh, Yadwinder Singh son of Ranjit Singh, Karanbir Singh @ Navkarandeep Singh son of Gurdev Singh, Yadwinderpal Singh and some unknown person are also mentioned in FIR but they are not arrested till today and accused persons namely Shubkarman Singh @ Suhbkarmanbir Singh son of Gurjeet Singh, Yadwinder Singh son of Ranjit Singh, Karanbir Singh @ Navkarandeep Singh son of Gurdev Singh are not absconding/proclaimed offender in the present case, as per statement of the IO and accused.

(ii) In the present case, there is only one complainant and injured namely Ajaydeep Singh son of Amrik Singh in the present FIR, as per statement of IO. The only one complainant namely Ajaydeep Singh son of Amrik Singh has appeared and suffered statement in support of compromise.

(iii) In the present case, only the FIR is pending against the accused and the trial has not begun, as per statement of IO and record.

(iv) From the statement of the accused persons namely Shubkarman Singh @ Suhbkarmanbir Singh son of Gurjeet Singh, Yadwinder Singh son of Ranjit Singh, Karanbir Singh

@ Navkarandeep Singh son of Gurdev Singh and complainant namely Ajaydeep Singh, the compromise is genuine, voluntary and out of free will between the parties.

(v) As per the statement of IO and accused, there is no any other criminal case pending against the accused Shubkarman Singh @ Suhbkarmanbir Singh son of Gurjeet Singh, Yadwinder Singh son of Ranjit Singh, Karanbir Singh @ Navkarandeep Singh son of Gurdev Singh.

Note:- As per statement of parties, compromise has not been effected with the accused Yadwinderpal Singh son of unknown.”

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.0272 dated 29.11.2022, registered for offences under Sections 323, 325, 341, 506 and 34 of the Indian Penal Code, 1860, at Police Station Ajnala, District Amritsar Rural, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.12.2023
Kamal

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