

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

CRM-M-44861-2021
Decided on : 25.01.2023

Navjot Sharma

..... Petitioner

Versus

State of Punjab & another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Davinder Singh, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.

The instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.49 dated 12.02.2020 under Sections 323, 506, 427, 34, 120-B, 307 and 325 IPC registered at Police Station Division No.2, District Ludhiana and all the consequential proceedings arising out of the same, on the basis of compromise deed dated 28.09.2021 (Annexure P-2) arrived at, between the parties.

On 18.01.2023, this Court passed the following order:

“Learned counsel for the petitioner submits that during the pendency of the FIR in question, the parties have compromised the matter and arrived at an amicable settlement vide compromise deed dated 28.09.2021 (Annexure P-2).

In compliance of order dated 22.11.2021, report of learned Judicial Magistrate 1st Class, Ludhiana has been received along with statements of the parties. The factum of parties having compromised the matter stands reported by the concerned Court.

On a pointed query put to the learned counsel for the petitioner as to how the FIR in question can be quashed to the exclusion of the other accused, who too had been named in the FIR in question and attributed specific role, she submits that the case of the petitioner is not at par with that of the co accused. In support, she has invited the attention of this Court to the FIR, which has been annexed as Annexure P-1, to submit that a perusal of the same clearly reveals that the petitioner was not present at the time of the crime in question, and secondly, the only attribution qua the petitioner was that the assailants i.e. co-accused had attacked respondent No.2 for teaching him a lesson 'for messing with Som Nath Sood, Vishal Sood, Parmod Sood, Navjot Sharma (petitioner herein) and Ajmer Singh'.

Learned State counsel on instructions has not been able to dispute the submissions made by learned counsel for the petitioner qua the petitioner not being present at the time of the occurrence in question and still further, no injury having been attributed to him, much less to invite the mischief of Section 325 or even 307 IPC.

Nobody has entered appearance on behalf of the private respondent No.2.

Purely in the interest of justice, adjourned to 25.01.2023.

Registry is directed to intimate the counsel for respondent No.2 about the date fixed."

Learned State counsel has not disputed that the role of the petitioner is distinguishable from that of the other accused, who are not a party to the compromise in question. Learned State counsel has fairly apprised the Court on instructions that during investigation, it had come to the fore that the petitioner was not even present at the time of the occurrence in question and no role has been attributed to him in the commission of crime.

In view of the report of the learned JMIC, Ludhiana and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the petitioner only.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

25.01.2023

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No