

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

CRM-M-37472-2019

Date of decision: 20.04.2023

Satpal Singh and others

....Petitioners.

Versus

The State of Punjab and another

...Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rajesh Bhateja, Advocate, for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

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

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SANJIV BERRY, J.

This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 132 dated 29.08.2016 (Annexure P-1) under Sections 341, 342, 325, 324, 323, 148 and 149 IPC (offence under Section 325 added later on), registered at Police Station Dharamkot, District Moga, and all consequential proceedings arising therefrom on the basis of compromise dated 30.07.2019 (Annexure P-2) executed between the parties.

[2]. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 30.07.2019 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the

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parties and to report with respect to genuineness of the compromise arrived at between the parties. From the perusal of the report dated 01.11.2019 sent by the Judicial Magistrate Ist Class, Moga, it transpires that as per the version in the FIR there are total 14 accused, but the present petition seeking quashing of the FIR in question has been filed by the 13 petitioners (Satpal Singh, Umarseer Singh, Ravinder Singh @ Kamma, Davinder Singh, Satwinder Singh @ Happy, Sukhvinder Singh @ Sukhjinder Singh, Sarabjit Kaur, Hardeep Singh, Mukhtiar Singh, Gurmail Singh, Nachhatar Singh @ Satta, Manjit Kaur, Amarjit Kaur). A perusal of the aforesaid report further reveals that out of these 13 petitioners only 10 petitioners have recorded their statements regarding compromise with respondent No.2. It has further been mentioned that the other co-accused namely Kulwinder Singh @ Kinda has been declared proclaimed offender.

[3]. Respondents No. 2 is represented by their counsel and does not oppose the compromise.

[4]. Considering the report of the Judicial Magistrate Ist class, Moga, and in view of the decision of the Hon'ble Supreme Court in "Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543 and "Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the aforementioned petitioners/accused persons except petitioner No. 5 (Satwinder Singh @ Happy), petitioner No. 6 (Sukhvinder Singh @ Sukhjinder Singh), petitioner No. 10 (Gurmail Singh).

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[5]. Considering the facts and circumstances of the case and since petitioner No. 5 (Satwinder Singh @ Happy), petitioner No. 6 (Sukhvinder Singh @ Sukhjinder Singh), petitioner No. 10 (Gurmail Singh) did not appear before the trial Court, for recording of their statements, in compliance to the order dated 06.09.2019, present petition is allowed. FIR No. 132 dated 29.08.2016 (Annexure P-1) under Sections 341, 342, 325, 324, 323, 148 and 149 IPC (offence under Section 325 added later on) registered at Police Station Dharamkot, District Moga, and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise *qua* the petitioners namely: Satpal Singh, Umarseer Singh, Ravinder Singh @ Kamma, Davinder Singh, Sarabjit Kaur, Hardeep Singh, Mukhtiar Singh, Nachhatar Singh @ Satta, Manjit Kaur and Amarjit Kaur, only.

(SANJIV BERRY)
JUDGE

20.04.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |