

245 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45036-2022
DATE OF DECISION:-22.02.2023

Manjit Singh

...Petitioner.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Tanvir Joshi, Advocate for
Mr. R.K. Girdhar, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.139 dated 12.08.2019, under Section 307 IPC and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1) wherein offence under Section 324 IPC was added on later through DDR No.18 dated 21.09.2019 at Police Station City Kotkapura, District Faridkot (Annexure P-2) besides further addition of offence under Section 326 IPC vide DDR No.19 dated 22.09.2019 at Police Station City Kotkapura, District Faridkot (Annexure P-3), along with all consequential proceedings arising therefrom, on the basis of compromise by way of affidavits of

respondents no.2 and 3 (Annexures P-4 and P-5 respectively).

2. As per the allegations levelled in the FIR, the petitioner gave multiple kirch blows to the complainant, namely, Phool Chand as well as injured-Mahavir. Though, in the present case, the petitioner has been implicated for an alleged offence under Section 307 IPC, however, as per the medico legal opinions dated 16.07.2020 (Annexures P-6 and P-7 respectively), it has been noticed that there was remote possibility of injury No.1 inflicted upon Mahabir and injury No.3 inflicted upon Phool Chand, being dangerous to life.

3. In pursuance to an order dated 28.09.2022 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 21.11.2022 has been received from the concerned court stating that the compromise is genuine, voluntary and without any coercion or undue influence. There is no other accused except the present petitioner and no other case is pending against him. No accused has been declared as PO.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising therefrom against the petitioner; the dispute being purely personal in nature, besides there being remote possibility of injuries inflicted upon victims being dangerous to life, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances

wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Thus, in view of the aforesaid report accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.139 dated 12.08.2019, under Section 307 IPC and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1) and later on added offence under Section 324 IPC through DDR No.18 dated 21.09.2019 at Police Station City Kotkapura, District Faridkot (Annexure P-2) as well as later on added offence under Section 326 IPC vide DDR No.19 dated 22.09.2019 at Police Station City Kotkapura, District Faridkot (Annexure P-3) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court

Association Lawyer's Family Welfare Fund having Account
No.41564846387 with State Bank of India, High Court Branch, Chandigarh,
within a period of two weeks from today.

22.02.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No