

CRM-M-46832-2019

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

CRM-M-46832-2019

Date of decision:-29.08.2023

Harmeet Singh @ Sunny and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.B.R. Gupta, Advocate
for the petitioners.

Mr.Arun Luthra, DAG, Punjab.

Mr.Sumit Kalyan, Advocate for
Mr.Chandeep Singh, Advocate
for respondent No.2.

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.91 dated 30.06.2019, under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Division 5, District Jalandhar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.08.2019, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR is an outcome of a petty dispute, which has been amicably settled between the parties.

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3. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 02.11.2019 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“(i) It is respectfully submitted that in view of statements given by the parties this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.

(ii) It is respectfully submitted that accused/petitioners are not appearing before the Court as only FIR No.91 dated 30.06.2019, under Section 323, 341, 506, 148, 149 IPC received in this court. Challan in the above stated FIR has not been presented yet. As per the statement of Investigating Officer ASI Nirmal Singh accused Harmeet Singh @ Sunny is on police bail. Accused Gaurav Sharma @ Gaurav Pandit has not been arrested yet in the present case. Enquiry against accused namely Akshay Kumar @ Jammu, resident of Street No.13, Avtar Nagar, P.S. Bhargo Camp, Jalandhar is pending before ACP, West, Jalandhar.

(iii) It is respectfully submitted that as per the statement of Investigating Officer, FIR No.63 dated 06.08.2019, under Sections 323, 324, 148, 149 IPC registered at P.S. Basti Bawa Khel, Jalandhar is pending against accused/petitioner Gaurav Kumar @ Gaurav Pandit and he has not arrested yet in the said

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FIR. Accused/Petitioner Harmeet Singh @ Sunny and Akshay Kumar @ Jammu are not facing any trial, investigation, enquiry in any other criminal case.

(iv) It is respectfully submitted that as per the statement of the parties, this court is of the considered opinion that all the victims in this case have entered into compromise with the accused/petitioners.”

6. In view of this development, report of the Trial Court and 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.

7. Accordingly, the petition is allowed. FIR No.91 dated 30.06.2019, under Sections 323, 341, 506, 148, 149 IPC, registered at Police Station Division 5, District Jalandhar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

29.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No