

117+248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-51361-2023 and
CRM-51362-2023 in/and
CRM-M-55997-2023
Date of Decision: 08.12.2023

Mohit Gill and others

...Petitioners

vs.

State of Punjab and others

...Respondents

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Ganish Kumar, Advocate
for the applicants-petitioners.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Varun Sharma, Advocate
for respondents No.2 and 3.

N.S.Shekhawat J. (Oral)

CRM-51361-2023

1. The instant application has been filed under Rule 3-A (1) Chapter VI, Part-B, Vol. V of the Punjab and Haryana High Court Rules and Orders for grant of leave to file the present petition.

2. Application is allowed, as prayed for.

CRM-51362-2023

1. The applicants-petitioners have filed the present application with a prayer to amend the Head Note Clause of the present petition.

2. For the reasons mentioned in the application, the same is allowed and the amended Head Note Clause shall read as under:-

“First petition under Section 482 Cr.P.C., 1973 with a prayer for

quashing of FIR No. 169 dated 23.08.2023 (Annexure P-1) under Sections 160, 323, 506, 148, 149 of IPC and added Sections 452, 324, 34 of IPC (enhanced vide G.D. No.03 dated 29.08.2023) registered at Police Station Gate Hakima, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 22.09.2023 (Annexures P-2 & P-3)".

CRM-M-55997-2023

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 169 dated 23.08.2023 (Annexure P-1) under Sections 160, 323, 506, 148, 149 of IPC and added Sections 452, 324, 34 of IPC (enhanced vide G.D. No.03 dated 29.08.2023) registered at Police Station Gate Hakima, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 22.09.2023 (Annexures P-2 & P-3).

2. Vide order dated 06.11.2023, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise.

3. Pursuant to aforesaid order, the parties have appeared before the Judicial Magistrate 1st Class, Amritsar and got their statements recorded. Report dated 28.11.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in

view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioner.

6. Resultantly, FIR No. 169 dated 23.08.2023 (Annexure P-1) under Sections 160, 323, 506, 148, 149 of IPC and added Sections 452, 324, 34 of IPC (enhanced vide G.D. No.03 dated 29.08.2023) registered at Police Station Gate Hakima, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 22.09.2023 (Annexures P-2 & P-3) are hereby quashed qua the petitioners.

08.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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