

CRM-M-60213-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246 (2)

CRM-M-60213-2022

Date of decision : 24.03.2023

JATINDER KUMAR SINGH AND ORS.

.... Petitioners

V/S

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Jasvir Singh, Advocate
for Mr. G.S. Rawat, Advocate
for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. J.S. Rana, Advocate
for Mr. Sandeep Arora, Advocate for the respondent No. 2.

AMARJOT BHATTI J. (ORAL)

The petitioners – Jatinder Kumar Singh, Dharminder Kumar, Hari Chand, Ashish Kumar and Mandeep Kumar have filed the instant petition under Section 482 of Cr.P.C. for quashing of DDR No GD/025 dated 18.11.2020, under Sections 323, 324, 34 of IPC, registered at Police Station Sadar Jalandhar, District Jalandhar in main case FIR No. 263 dated 18.11.2020 under Sections 452, 324, 323, 354, 34 of IPC (Section 326 IPC added later on), Police Station Jalandhar, District Jalandhar and all other subsequent proceedings arising out of the cross case on the basis of compromise between the parties.

As per the facts narrated in DDR No. 26 dated 18.11.2020, Gaurav @ Balkar Singh gave his statement that he is studying in Khalsa College, Jalandhar. On 16.11.2020 at about 08:30 A.M, he along with his brother and mother were present in the house when Jatinder Kumar came outside their house and knocked at the door. In the meantime, Dharminder Kumar armed with datar, Hari Chand armed with base bat, Jatinder holding brick, Ashish @ Jhandu armed with danda came there. Dharminder Kumar gave datar blow which hit towards the right side of his head, Hari Chand gave base bat blow which hit on his right shoulder, Jatinder Kumar gave brick blow hitting the left side of elbow and Ashish @ Jhandu also gave danda blow which hit on his back. On the alarm raised by him, the assailants ran away from the spot with their respective weapons. With these allegations, present FIR has been registered.

The petitioners have filed this petition for the quashing of aforesaid DDR in main case FIR No. 263 dated 18.11.2020 on the basis of compromise. The petitioners and respondent No.2 were directed to appear before the Area Magistrate/Trial Court for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the Court of learned Additional Chief Judicial Magistrate, Jalandhar, dated 18.01.2023. Separate statement of respondent No.2 has been recorded, where he confirmed the compromise with the petitioners. He confirmed that this compromise has been effected without any pressure, coercion, fraud etc. and with his free consent. He further stated that he has no objection regarding quashing of FIR/DDR.

The petitioners – Jatinder Kumar Singh, Dharminder Kumar, Hari Chand, Ashish Kumar and Mandeep Kumar have also confirmed this fact in their separate statements. The statement of Investigating Officer SI Ranjit Singh, No.

1450, PS Sadar Jalandhar is also recorded who further confirmed that the accused persons are neither involved in any other case nor have been declared as proclaimed offender.

As per the report of learned Additional Chief Judicial Magistrate, Jalandhar dated 18.01.2023, the matter has been compromised between the parties. It is reported that the compromise entered between the parties is genuine, voluntarily and without any coercion or undue influence. Moreover, it is a case of version and cross-version and in the main version recorded in FIR No. 263 dated 18.11.2020, under Sections 452, 324, 323, 354, 34 of IPC, registered at Police Station Sadar District Jalandhar, the matter has also been compromised. Both the parties belong to the same area. They have mutually settled all their disputes. This compromise will enable them to live in peace and harmony. Considering these facts, no purpose would be served with the continuation of criminal proceedings.

Therefore, the petition filed by the petitioners - Jatinder Kumar Singh, Dharminder Kumar, Hari Chand, Ashish Kumar and Mandeep Kumar is accepted and DDR No. GD/025 dated 18.11.2020, under Sections 323, 324, 34 of IPC, registered at Police Station Sadar Jalandhar, District Jalandhar in main case FIR No. 263 dated 18.11.2020 under Sections 452, 324, 323, 354, 34 of IPC (Section 326 IPC added later on), Police Station Jalandhar, District Jalandhar and all other subsequent proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

24.03.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No