

CRM-M-14743-2016

253 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-14743-2016 (O&M)
Date of Decision: 30.01.2024

SUKHDEV SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manbir Singh Basra, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. AG Punjab.

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

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of complaint No. 219 dated 06.07.2009 (Annexure P-1) registered under Sections 307, 326, 323, 324, 379, 341, 148 and 14 of Indian Penal Code titled as **Gurnam Singh Vs. Sukhdev Singh and Others** pending in the Court of learned Additional Sessions Judge, Gurdaspur and summoning order dated 14.11.2014 (Annexure P-2) and all subsequent proceedings arising therefrom in view of the compromise dated 10.04.2016 (Annexure P-3).

2. Learned counsel for the petitioner *inter alia* contends that perusal of the record would clearly indicate that no offence under Section 307 of Indian Penal Code is made out against the petitioners and he placed reliance upon the judgment of Hon'ble Supreme Court passed in **State of Madhya Pradesh Vs. Laxmi Narayan (2019) 5 SCC 688** to contend that an FIR under Section 307 of IPC can be quashed, in case the

ingredients attracting the involvement of Section 307 of IPC are missing from the FIR. Learned counsel further submits that the testimony of PW-9, Dr. Jagjiwan Ram, who prepared the Medical Legal Report, would clearly indicate that no offence under Section 307 of IPC is made out against the petitioners.

2. The following order was passed on 02.05.2016:

“Notice of motion for 19.07.2016.

Mr. C.S. Brar, Deputy Advocate General, Punjab and Mr. Inderjit Sharma, Advocate has put in appearance on behalf of respondent No. 1-State and 2 & 3, respectively.

Parties are directed to appear before the trial Court to get their statements recorded to the satisfaction of the trial Court within a period of fifteen days and report be sent accordingly before the next date of hearing.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. This Court finds force in the arguments advanced by learned counsel for the petitioners and in view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256, Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589, Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in

Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and complaint No. 219 dated 06.07.2009 (Annexure P-1) registered under Sections 307, 326, 323, 324, 379, 341, 148 and 14 of Indian Penal Code titled as **Gurnam Singh Vs. Sukhdev Singh and Others** pending in the Court of learned Additional Sessions Judge, Gurdaspur and summoning order dated 14.11.2014 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

5. Pending CRM(s), if any, are also disposed of accordingly.

30.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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