

GURDEEP SINGH

Versus

STATE OF PUNJAB AND ANOTHER

.....Petitioner

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankit Bishnoi, Advocate and
Mr. Hanspal Virk, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Kanhya Goyal, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition under Section 482 Cr.P.C. the petitioner prays for quashing of FIR No.0108 dated 14.08.2020 registered under Sections 323, 324, 307, 506, 148 and 149 of IPC & Sections 25 and 27 of Arms Act at P.S. City Samana, District Patiala (now converted to Sections 336, 323, 324, 506, 148 and 149 of IPC) along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 28.09.2022 (Annexure P-2).
2. As per the allegations levelled in the FIR, the petitioner along with other accused inflicted injuries upon complainant-respondent No.2 with knife and other weapons. Though, the FIR was initially registered under Section 307 of IPC as well, however, the same stands deleted during the investigation. As per the records, the FIR was originally registered against 6 individuals including the petitioner, whereas, two accused were declared as innocent and the remaining three have not been apprehended by the Investigating Agency so far.

3. This Court while issuing notice of motion vide order dated 11.05.2023 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 11.05.2023, a report dated 15.06.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary. Though there were six accused in the FIR, however, compromise has been effected only with one accused.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioner. Even, 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 in question, qua the petitioner, on the basis of compromise entered into between the parties.

6. 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 direction issued by the 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”.

7. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **‘Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and Another’, 2012(4) R.C.R. (Criminal) 589** and this Court in **‘Joginder Singh & Another Vs. State of Punjab and Another’**, passed in CRM-M-23739-2010 decided on 27.04.2011, **‘Rajinder Singh Vs. State of Punjab & Another’**, passed in CRM-M- 37395-2016 decided on 16.05.2017 and **‘Vimal Kalra & others Vs. State of Punjab & another’**, passed in CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

8. 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, the FIR No. 0108 dated 14.08.2020 registered under Sections 323, 324, 307, 506, 148 and 149 of IPC & Sections 25 and 27 of Arms Act at P.S. City Samana, District Patiala (now converted to Sections 336, 323, 324, 506, 148 and 149 of IPC) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

9. Accordingly, petition stands, allowed, however subject to providing one wheelchair and sphygmomanometer to the CHC, Samana, District Patiala within a period of two weeks from today as volunteered by the petitioner against due receipt issued by the

concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

23.04.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>