

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23045-2024 (O&M)

Reserved on: 12.08.2024

Date of Pronouncement: 30.08.2024

Aditya Dahiya & others

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Saurabh Dalal, Advocate
for the petitioner(s).

Mr. Jasjit Singh, DAG, Punjab.

Mr. Gurasis Singh, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
319	1.11.2023	City Kharar, District SAS Nagar, Mohali	323, 341, 506, 148, 149, 308 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person(s).

2. During the pendency of the criminal proceedings, the accused and the aggrieved person(s) have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioner(s) came up before this Court to quash the FIR, impleading the aggrieved persons as respondent no.2.
4. Pursuant to the order of this Court dated 9.5.2024, the aggrieved person(s)/complainant (Respondent no.2) appeared before the JMIC, Kharar on

9.8.2024 and stated that there would be no objection if the Court quashes this FIR and consequent proceedings. The relevant extract of the report of the concerned Court reads as follows:-

Name of the reporting Court	JMIC, Kharar	
Criminal Case no. before trial Court	REMP/135/2024	
1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Aryamik Sharma
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	31.7.2024
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Aditya Dahiya, Atul and Harshit
7.	Dates on which the statement(s) of the accused persons(s) recorded	31.7.2024
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	No
11.	Notice of accusation /Charges have been framed or not?	No
12.	Sections of statutes invoked in the matter	Section 323, 341, 308, 506, 148, 149 IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

5. The State’s counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.

6. In the present case, the offence under Sections 308, 148, 149 of Indian Penal Code, 1860 (IPC) and Section 27 Arms Act are not compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC).

ANALYSIS & REASONING:

5. An analysis of the FIR reveals that there are specific allegations against the petitioners that they had also given beatings to Arjun, Vansh and Sobit, who are friends of the complainant. However, the petitioners have neither arraigned them as respondent(s) in this case nor their statements have been recorded before the trial Court/Illaq Magistrate.

6. Since all the victims did not state their no objection to the compromise and also the reasons which led to the compromise, as such this Court cannot proceed further in this matter.

7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the complainant-victim and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

August 30, 2024
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Whether speaking/reasoned	:	Yes
Whether reportable	:	No