



CRM-M-40821-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 02.08.2024

Gurdev Singh and Ors.

..... Petitioners

V/S

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Mannat Kumar Arya, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Ms. Sukhveer Kaur, Advocate for respondents No.2 to 4.

AMARJOT BHATTI J.

1. Petitioners- Gurdev Singh, Lakhwinder Singh, Gurmeet Kaur @ Darshan Kaur and Harwinder Singh @ Sonu have filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.135 dated 10.10.2020 under Sections 325, 323, 34 of IPC (Annexure P-1), registered at Police Station Dorangla, District Gurdaspur and all subsequent proceedings arising therefrom, on the basis of compromise between parties dated 09.07.2023 (Annexure P-2).

2. Facts of the case are Manjinder Singh complainant gave his statement that he was doing private job at Sahpur Kandi Dam. On 22.09.2020 at about 8:15 PM, he was going to his village Ganja and when he reached near the house of his uncle Nirmal Singh, Gurdev Singh armed with iron rod, Lakhwinder Singh armed with dang, Sonu armed with baseball bat and Darshan Kaur empty handed were present in front of their house. Darshan Kaur raised *lalkara* and Gurdev Singh gave two iron rod blows which hit on the fingers of his right hand. Lakhwinder Singh gave

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two stick blows which hit on his left wrist. Sonu gave three baseball bat blows which hit on his left side of shoulder, right bicep and middle of his forehead. On hearing hue and cry, his mother Paramjit Kaur and uncle Nirmal Singh came forward to rescue him. They injured his mother Paramjit Kaur and uncle Nirmal Singh. His cousin Gurjant Singh also reached on the spot. Thereafter, all the assailants ran away from the spot with their respective weapons. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioners and respondents No.2 to 4 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Civil Judge (Jr. Division)-cum- Judicial Magistrate Ist Class, Gurdaspur dated 02.05.2024. Statements of respondents No.2 to 4 have been recorded, where they confirmed the compromise with petitioners. They confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and they have no objection regarding quashing of FIR.

4. Petitioners – Gurdev Singh, Lakhwinder Singh, Gurmeet Kaur @ Darshan Kaur and Harwinder Singh @ Sonu also confirmed this fact in their separate statements. It is also confirmed in the report that no accused has been declared as proclaimed offender.

5. Therefore, from the report of Civil Judge (Jr. Division)-cum- Judicial Magistrate Ist Class, Gurdaspur, it is clear that compromise has been effected between parties without any pressure, coercion or undue



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influence, which is acceptable to both the parties. Gainful reference can be made to the authority of our own High Court i.e. **Larger Bench of Five Judges 2007(3) RCR (Criminal) 1052** case titled “**Kulwinder Singh and others vs. State of Punjab and another**” where it was explained that inherent power of this Court under Section 482 cannot be limited to matrimonial cases alone and the Court has wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of Criminal Procedure Code in order to prevent abuse of law and to secure ends of justice.

6. In the case in hand cross version was also recorded on statement of Lakhwinder Singh and Gurdev Singh bearing GD No.31 dated 10.10.2020 under Sections 326, 323, 34, 201 of IPC, at Police Station Dorangla, District Gurdaspur against 04 accused namely Harbhajan Singh, Manjinder Singh, Gurjant Singh and Nirmal Singh. In this case also parties have arrived at compromise and for quashing of this GD, CRM-M-40947-2023 titled “**Manjinder Singh and Others vs. State of Punjab and Others**” and CRM-M-22598-2024 titled “**Harbhajan Singh vs. State of Punjab and Others**” are pending for today itself. Therefore, it is a case of version and cross-version. The reason behind this occurrence was quarrel which took place between both sides. Both parties have mutually settled their dispute. They are residents of same village. It would enable them to live in peace and harmony and end all litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings.

7. Therefore considering these facts, petition filed by petitioners is accepted and FIR No.135 dated 10.10.2020 under Sections

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325, 323, 34 of IPC (Annexure P-1), registered at Police Station Dorangla, District Gurdaspur and all other subsequent proceedings arising therefrom are quashed.

8. Accordingly, present petition stands accepted.
9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)

JUDGE

02.08.2024.

Sunil Devi

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