

CRM-M-56781-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56781-2023
Date of decision:-12.03.2024

Baljit Kaur and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM : HON’BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Sukhbir Maandi, Advocate
for the petitioners.

Mr.Amit Chaudhary, DAG, Punjab.

Mr.Gurpreet Singh, Advocate for
Mr.Ramnish Puri, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No.33 dated 04.05.2023, under Sections 336, 427, 457, 506, 148, 149 IPC and 25 & 27 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural), Annexure P1 in case FIR No.90 dated 29.04.2023, under Sections 336, 436, 427, 148, 149 IPC and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural), Annexure P2, along with all subsequent proceedings arising therefrom, on the basis of compromise and affidavit dated 01.09.2023,

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Annexures P3 and P4, respectively, arrived at between the parties.

2. Counsel for the petitioners submits that in view of the report received from learned Judicial Magistrate as petitioner No.7 – Sagar Singh is reported to have expired in January, 2024, he seeks permission to withdraw the petition qua petitioner No.7.

3. Permission is granted.

4. **Petition is dismissed as withdrawn insofar as petitioner No.7 – Sagar Singh is concerned.**

5. Heard counsel for the parties.

6. Pursuant to order dated 30.11.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. There are nine accused involved in this FIR and eight have appeared in Court and made statement today. One accused Sagar Singh s/o Paramjit Singh as mentioned in serial No.7 in the Memo of parties has died on 20.01.2024 as per statements of parties and IO. No accused is absconding/proclaimed offender in this case.

2. Complainant in the present case is Jasbir Kaur w/o Joga Singh and injured/aggrieved person are Jolga Singh s/o Darshan Singh and Manraj Singh s/o Joga Singh. All of them have appeared and made their statements in the support of the compromise.

3. Challan has not been presented in the Court till date.

4. Compromise between the parties is genuine, voluntary, without any fear, pressure, threat or coercion and is not the result

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of any fraud or misrepresentation and is the result of free will of the parties.

5. *No other Criminal case is pending against the accused.”*

7. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. DDR No.33 dated 04.05.2023, under Sections 336, 427, 457, 506, 148, 149 IPC and 25 & 27 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural), Annexure P1 in case FIR No.90 dated 29.04.2023, under Sections 336, 436, 427, 148, 149 IPC and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural), Annexure P2, along with all subsequent proceedings arising therefrom, are quashed qua petitioners No.1 to 6 and 8 & 9.

(SUVIR SEHGAL)
JUDGE

12.03.2024
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No