

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(256-1)

CRM-M-37162-2021
Date of Decision:- 29.04.2022

Jasbir Kumar @ Kala @ Jagbir Kumar and others ...Petitioners

VERSUS

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Satvir Singh, Advocate for
Mr. Karanpal Singh Cheema, Advocate for the petitioners.

Mr. P.S.Walia, AAG, Punjab for State-respondent No.1.

Mr. Amandeep Singh Manaise, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No.40 dated 13.07.2021, Annexure P-2, registered for offences under Sections 323, 379, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, registered in FIR No.128 dated 07.07.2021, Annexure P-1, registered for offences under Sections 354, 324, 379, 341, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 02.08.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that a minor altercation took place between the parties, who are closely related to each other, over some past misunderstanding, which resulted in some injuries and registration of FIR, Annexure P-1, by petitioner No.1 and a DDR, Annexure P-2, by

private respondent No.2. He submits that dispute has been settled with the intervention of the respectable by virtue of compromise, Annexure P-3, the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise. Still further, he submits that in compliance of order dated 12.11.2021 passed by this Court, cost has been deposited with the Poor Patient Welfare Fund, PGIMER, Sector 12, Chandigarh.

Upon instructions received from ASI, Gurcharan Singh, State counsel submits that matter is under investigation and no arrest has been made so far.

Counsel representing the private respondents has admitted the factum of compromise and has supported the counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 13.09.2021, this Court directed the parties to appear before the Trial Court and get their statements recorded regarding the compromise. A report was called for from the Court concerned with regard to the genuineness of the compromise and also as to whether any P.O. proceedings are pending against any of the parties. Report has been received and its relevant extract is as under:-

“(I) As per statements of parties and Investigating Officer, none of the accused is proclaimed offender and no proclaimed offender proceedings are pending against anyone.

(II) The compromise is genuine, voluntarily and without any coercion and undue influence.

(III) Original receipt of costs of Rs.20,000/- (Rs.10,000/- in each case) placed on record.”

DDR, Annexure P-2, is a result of a dispute, which is purely private in nature and has been settled by virtue of compromise, Annexure P-3. The parties are not only closely related to each other, but are also residing in the vicinity of each other.

Following the judgment of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that continuation of the criminal proceedings would not serve any purpose as the possibility of conviction of any of the accused is bleak and the ends of justice would be served in case the penal proceedings are set aside.

Accordingly, the petition is allowed. DDR No.40 dated 13.07.2021, Annexure P-2, registered for offences under Sections 323, 379, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, registered in FIR No.128 dated 07.07.2021, Annexure P-1, registered for offences under Sections 354, 324, 379, 341, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

**(SUVIR SEHGAL)
JUDGE**

29.04.2022

Kamal

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| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable | Yes/No |