

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

256

CRM-M-22832-2023

Date of decision: 31.07.2023

Karam Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S. Barnala, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab
for respondent No.1-State.

Mr. Ritesh Pandey, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.21 dated 14.05.2019 under Sections 307, 326, 325, 324, 323, 506, 427 and 34 of the IPC registered at Police Station Sehna, District Barnala and all consequential proceedings arising out of the same, on the basis of compromise dated 16.02.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 08.05.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 31.05.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate First Class, Barnala, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties. As per report, the parties who are closely related being real

brothers have gotten their respective statements recorded before the learned Trial Court. As per report, one of the accused namely Balwinder Singh has been declared a proclaimed offender, however, he is not a party to the instant petition. As per the report compromise has indeed been effected between the petitioners and respondent No.2 and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel has not disputed that injuries sustained by the injured were all on non-vital parts of the body. He further submits respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Judicial Magistrate First Class, Barnala and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the petitioners only.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

31.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No