

(2013) 09 P&H CK 0438

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-25491 of 2013

Karnail Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Sept. 27, 2013

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Advocate: Ranjit Saini, for the Appellant; Amrit Pal Singh Gill, AAG, Punjab, for the Respondent

Final Decision: Disposed Off

Judgement

Ritu Bahri, J.

Quashing of FIR No. 66 dated 30.3.2007 under Sections 323, 324, 427, 148, 149 IPC registered at Police Station Tanda, District Hoshiarpur and a cross case registered in the said FIR (Annexures P1 & P3) is being sought on the basis of compromise (Annexure P-4). The FIR has been recorded on the statement made by Karnail Singh against petitioners No. 1 to 5 and thereafter a cross case was registered on the statement made by Surender Kaur. On 29.3.2007 when the complainant was returning back from his relative Jagir Singh at Nathupur, around 5 p.m. in his Maruti Car bearing No. PB-21B-1596, one Scorpio bearing No. PB-07P-6322 came and stopped the car of the complainant and Balwinder Singh, Jarnail Singh, Puran Singh, Karnail Singh and Babbu @ Sukhwinder Singh came out of the Scorpio and after raising lalkara caught hold of the complainant. Balwinder Singh gave sword blow which hit the back of head of the complainant, Jarnail Singh gave daang blow which hit his forehead, Babbu inflicted daang blow and Karnail Singh gave fist blow. Pritpal Singh came to rescue him and he had also been given injuries. Thereafter, Jagir Singh came at the spot and saved them and took them to Civil Hospital, Tanda. The incident was witnessed by Jagir Singh. Damage was also caused to the Maruti car. These persons were nursing a grudge on account of the fact that on 28.3.2007 a cricket match was held between the teams of village Nathupur and Nihangpur and

at that time a quarrel had taken place in the teams in which the son of the complainant's relative had also played. In this background, the FIR was got registered. On the statement of Surender Kaur a cross case was also registered (Annexure P3).

2. During the pendency of the trial, compromise was effected between the parties (Annexure P4) except with Pritpal Singh and Gurjinder Singh.

3. In compliance of the order dated 6.8.2013, status report dated 5.9.2013 has been filed by the Sub Divisional Judicial Magistrate Dasuya. As per this report, statement of the parties have been recorded to the effect that with the intervention of the respectables they have compromised the matter. The complainant-Karnail Singh also stated that he has no objection if the FIR in the present case is quashed. Statement of Surinder Kaur has been recorded on 4.9.2013 that a compromise was effected with the accused. The peace and cordiality of relationship has been restored and there remain no bone of contention between both the parties.

4. Even though compromise has not been effected with Pritpal Singh and Gurjinder Singh, this Court has accepted the status report and that the compromise arrived at between the parties is genuine and without any pressure or coercion and no useful purpose would be served by continuing the criminal proceedings.

5. Consequently, in view of the above circumstances and in view of the judgment of the Hon'ble Supreme Court in the case of Madan Mohan Abbot Vs. State of Punjab, and the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Others Vs. State of Punjab and Another, FIR No. 66 dated 30.3.2007 under Sections 323, 324, 427, 148, 149 IPC registered at Police Station Tanda, District Hoshiarpur and a cross case registered in the said FIR (Annexures P1 & P3) is quashed with all consequential proceedings arising therefrom qua petitioners. Petition is disposed of.