
(2013) 10 P&H CK 0216

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-21261 of 2013

Balvir Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 08-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0216

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : K.B.S. Mann, for the Appellant; Amrit Pal Singh, AAG and Mr. Vivek Goel, Advocate for Respondent Nos. 2 to 4, for the Respondent

Final Decision : Disposed Off

Judgement

Ritu Bahri, J

1. Quashing of FIR No. 10 dated 29.1.2009 under Sections 323 /324 /148 /149 IPC, but the challan was only presented under Sections 324 /323 /34 IPC, registered at Police Station, Lambi, District Sri Muktsar Sahib (Annexure P1) is being sought on the basis of compromise dated 4.6.2013 (Annexure P-2). The FIR was registered on the statement made by complainant-Sukhwinder Singh alleging that on 27.1.2009, he along with his father Mukhtiar Singh and Mohinder Singh, S/o. Dharam Singh, R/o. Kuttian Wali and Darshan Singh, S/o. Buta Singh, R/o. Fatehpur Manian, were pulling the sand of the passage by tractor in their land. Then Balvir Singh @ Bira, S/o. Chanan Singh armed with gandasi, Balwant Singh, S/o. Balvir Singh armed with gandasi, Laddi Singh, S/o. Baldev Singh armed with gandasi, Harjinder Singh, S/o. Pala Singh armed with soti and Sardool Singh, S/o. Pala Singh armed with soti, Jat, R/o. Kuttian Wali, came there and raised lalkara by saying that they will teach them a lesson for filling the sand of the passage in their fields. Balwant Singh inflicted a gandasi blow from straight side on the complainant's left shoulder and Balvir Singh inflicted a gandasi blow from its reverse side on his left hand and Harjinder Singh inflicted a soti blow on his little finger of the left hand, Balwant Singh inflicted a gandasi

blow from its reverse side on the left leg of complainant's father and Laddi Singh inflicted a gandasi blow from its reverse side on the right thigh of complainant's father. Mohinder Singh, S/o. Dharam Singh and Darshan Singh, S/o. Boota Singh then came forward to save them. The accused persons had also inflicted injuries upon them. They raised alarm of "killed killed" and many people came there from their fields to save them. Then all the assailants fled away from the spot with their weapons. In this background, FIR was registered.

2. During the pendency of trial, a compromise has been effected between the parties on 4.6.2013 (Annexure P-2). The FIR was registered against five persons, in which two were found innocent and challan was presented against the present petitioners.

3. In compliance of the order dated 5.7.2013, status report dated 30.7.2013 has been filed by Sub Divisional Judicial Magistrate, Gidderbaha. As per this report, statements of the parties have been recorded to the effect that they have compromised the matter and the compromise is placed on record as Annexure P-2. The complainant also stated that he has no objection if the FIR in the present case is quashed. Statements of other injured persons have also been recorded to the same effect.

4. In view of the statements of the parties, the Court is satisfied 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. 10 dated 29.1.2009 under Sections 323 /324 /148 /149 IPC (the challan was only presented under Sections 324 /323 /34 IPC), registered at Police Station, Lambi, District Sri Muktsar Sahib (Annexure P1), is quashed with all consequential proceedings arising therefrom qua petitioners. Petition is disposed of.