

2025:PHHC:025421



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-15669 of 2024

Date of Decision: 21.02.2025

Gurcharan Singh @ Gurbachan Singh and others ...Petitioners
Versus
The State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naresh Chander, Advocate, for the petitioners.
Mr. Deepinder Singh Brar, Sr. DAG, Punjab.
Mr. Vinay Kumar Gupta, Advocate,
for respondents No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The present petition under Section 482 Cr.P.C. has been filed for quashing of DDR No.39 dated 21.04.2022 registered under Sections 324/148/149 IPC and offence under Section 326 IPC was added later on vide G.D. No.25 dated 07.06.2022 in FIR No.80 dated 20.04.2022 under Sections 324/323/148/149 IPC and Section 307 IPC was added later on vide diary No. 24 dated 12.06.2023 at Police Station Dharamkot, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise dated 02.02.2024 (Annexure P-2), entered into between the parties.

2. Learned counsel for the petitioners submitted that in order to live peacefully, parties have entered into Compromise on 02.02.2024 (Annexure P-2), according to which, both the parties have

agreed not to proceed further with the FIR in question. He contended that an injury which has been "declared dangerous to life" is in fact an injury which is "endangering life" and therefore would be punishable under Section 326 IPC. Therefore, in the present case if a conviction was to be recorded, in all probability it would be one under Section 326 IPC and not under Section 307 IPC. Learned counsel further contended that it has been so held in *Atma Singh Vs. The State of Punjab 1980 PLR 719*, *Mohinder Singh & Ors. Vs. State of Punjab 2012(4) RCR (Criminal) 214*, *Narender Singh Vs. State of Haryana & Ors. 2020(3) RCR (Criminal) 66*, *Mehmood Akhtar Vs. State of Punjab 2014(16) RCR (Criminal) 43 & Pritam Singh & Anr. Vs. State of Punjab Crl. Appeal No. 1126-SB-1999 Decided on 25.02.2010*.

3. Vide order dated 06.05.2024, while issuing notice of motion, a Co-ordinate Bench of Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise (Annexure P-2).

4. Pursuant to aforesaid order, the parties have appeared before the Judicial Magistrate 1st Class, Moga and got their statements recorded. Report dated 04.06.2024 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

5. I have heard counsel for the parties and gone through the case file.

6. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543 and Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

7. Resultantly, DDR No.39 dated 21.04.2022 registered under Sections 324/148/149 IPC and offence under Section 326 IPC added later on vide G.D. No.25 dated 07.06.2022 in FIR No.80 dated 20.04.2022 under Sections 324/323/148/149 IPC and Section 307 IPC added later on vide diary No. 24 dated 12.06.2023 at Police Station Dharamkot, District Moga alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

8. All pending applications, if any, are disposed off, accordingly.

21.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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