

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

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Date of decision: 26.02.2015

CRM M 41993 of 2014

Gurjeet Singh and another

..... *Petitioners*

Versus

State of Punjab and others

.....*Respondents*

CRM M42009 of 2014

Ajit Singh and others

.....*Petitioners*

Versus

State of Punjab and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Nitin Rampal, Advocate
 for the petitioners (CRM M 41993 of 2014)
 for private respondents (CRM M 42009 of 2014)
 Mr. Vivek Goel, Advocate
 for the petitioners (CRM M 42009 of 2014)
 for the private respondents (CRM M 41993 of 2014)
 Mr. Ankur Jain, AAG, Punjab
 for the State

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

By way of this order, I shall dispose of aforesaid petitions as they have emerged from FIR No. 42 dated 26.04.2014 for offence punishable under Sections 341, 324, 323 read with Section 34 of the Indian Penal Code registered in Police Station Badhni Kalan, District Moga being version and cross version.

Vide CRM M 41993 of 2014, the petitioners have prayed for quashing of FIR No. 42 dated 26.04.2014 for offence punishable under Sections 341, 324, 323 read with Section 34 of the Indian Penal Code registered in Police Station Badhni Kalan, District Moga, whereas vide CRM M 42009 of 2014, the petitioners have prayed for quashing of cross case registered vide DDR No. 30 dated 26.04.2014 for offence punishable under Sections 324, 323 IPC (Section 308 IPC added later) in aforesaid FIR on the basis of compromise dated 23.09.2014 arrived at between the parties.

Counsel for the petitioners, in both the petitions, would contend that the present case is a case of version and cross version arising out the same occurrence. Gurjeet Singh son of Karan Singh whose injury has led to adding of offence punishable under Section 308 IPC in cross version registered vide DDR No. 30 dated 26.04.2014 for offence punishable under Sections 323, 324 IPC has not suffered any disability qua said injury. It is further argued that challan has been presented in the Court, committed to the Court of Sessions but the cases are fixed for framing of charge(s) and there is remote possibility of the injured victim(s) supporting cause of the prosecution in case the accused/petitioners are put to trial, therefore, chance of conviction of the accused is very bleak.

Vide order dated 09.12.2014 the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Additional Sessions Judge, Moga wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of the report of trial Court. Counsel also conceded to the fact that the injury suffered by Gurjeet Singh led to adding of Section 308 IPC in cross version, but he has not suffered any disability qua said injury.

A perusal of allegations in the FIR reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in '*Gian Singh v. State of Punjab and another*', 2012(4) *R.C.R. (Criminal)* 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In this view of the matter, the petitions are allowed and FIR No. 42 dated 26.04.2014 for offence punishable under Sections 341, 324, 323 read with Section 34 of the Indian Penal Code registered in Police Station Badhni Kalan, District Moga and cross case registered vide DDR No. 30 dated 26.04.2014 for offence punishable under Sections 324 and 323 IPC (Section 308 IPC added later) in aforesaid FIR and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

26.02.2015
mohan