

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(282)

CRM-M-10878-2016

Date of Decision:-15.09.2016

Baljinder Singh and another

.....Petitioners

V/S

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Divyadeep Walia, Advocate,
for the petitioners.

Ms. Rimplejeet Kaur, AAG, Punjab.

Mr. Digvijay Nagpal, Advocate,
for the complainant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

In FIR No.124 dated 10.11.2012, registered under Sections 307, 341, 324, 323 and 34 of Indian Penal Code, 1860 at Police Station Sardulgarh, District Mansa, the petitioners are being prosecuted. After investigation the challan was filed in the Court. The criminal law was set in motion by the complainant with the allegations that he was present in the Court premises, when near the advocates' chambers he was attacked by the petitioners by means of a dangerous weapon like Kirpan. Learned counsel for the petitioners invited my attention to the deposition of the doctor PW-2 who stated that the complainant avoided to have the X-ray or the CT Scan for the injury done and, therefore, according to him the injury could be self inflicted.

Mr. Digvijay Nagpal, learned counsel for the complainant states that by now the compromise has taken place between the parties and the complainant does not want to prosecute the petitioners.

I have heard learned counsel for the rival parties and perused the FIR. It is a fact that, there is no satisfactory evidence about the injury

as the complainant himself avoided to have X-ray and CT-Scan done. However, I find that the entire incident took place in the Court premises and near the advocates' chambers which certainly calls for serious action. But then, looking at the nature of the injury and the above said fact that in fact the complainant has compromised with the petitioners and further that the petitioners had committed the offence in question within the Court premises, I think, costs in the sum of ₹20,000/- each should be imposed upon the petitioners, to be paid to the State of Punjab, since, the challan was filed and the criminal law was set in motion. In that view of the matter, I make the following order:-

ORDER

1. CRM-M-10878-2016 is allowed.
2. FIR No.124 dated 10.11.2012, registered under Sections 307, 341, 324, 323 and 34 of Indian Penal Code, 1860 at Police Station Sardulgarh, District Mansa is quashed by way of compromise along with all consequential proceedings arising therefrom.
3. The petitioners shall deposit costs in the sum of ₹20,000/- each i.e. total of ₹40,000/- to the District Collector Mansa, District Mansa. The amount shall be deposited within a period of three months from today. Failure to deposit the amount shall result into automatic recall of this order.

September 15, 2016

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No