

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

(132)

CRM-M-36552-2016

Decided on: October 17, 2016.

Santro

.... Petitioner

Versus

Puran Chand

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jainainder Saini, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

In a private complaint under Section 302 IPC, the petitioner has been summoned as an accused during course of trial. The matter appears to have been compromised with the complainant.

After recording the statement of the complainant, the petitioner opted to file an application under Section 311 Cr.P.C for re-summoning the complainant for cross-examination in order to enable him to bring the compromise on record. Application filed by the petitioner for re-summoning the complainant, has been dismissed.

Learned counsel for the petitioner has argued that a petition for quashing of the proceedings in the private complaint on the basis of compromise, has been filed and that the statement of the parties have been recorded regarding matter having been compromised.

I have considered the facts and circumstances of the case in context to the objectives of Section 311 Cr.P.C. The sole objective of provisions of Section 311 Cr.P.C is to give power to a Court at any stage of

the trial to summon material witness or to examine any person in attendance through summon any person as a witness in case it appears to the Court that the examination or re-examination of a particular witness, is essential for just decision of the case. Permitting a witness to be summoned to give an opportunity to the accused to cross-examine the complainant to establish a compromise in a murder case appears to be beyond the jurisdiction of a Court under Section 311 Cr.P.C.

In case the matter is permitted to be compromised in private complaint under Section 302 IPC, there would be no need to re-summon the complainant for cross-examination to establish the compromise.

Learned counsel for the petitioner at this stage seeks permission to withdraw the petition without prejudice to the right of the petitioner in the pending petition for compromise.

Disposed of as withdrawn.

(M.M.S. BEDI)
JUDGE

October 17, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No