IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision:19.05.2016

1. CRM-M-43966-2015

Gurwinder Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondent

2. CRM-M-43967-2015

Gurbhej Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondent

CORAM: Hon'ble Mr. Justice M.M.S. BEDI

Present: Mr. R.S. Sandhu, Advocate
for the petitioners in CRM-M-43966-2015.

Mr. APS Rehan, Advocate
for the petitioners in CRM-M-43967-2015.

Mr. Jashan Preet Singh, AAG, Punjab.

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

This order will dispose of two petitions, namely, CRM-M-43966-2015 and CRM-M-43967-2015 whereby the petitioners seek quashing of FIR as well as the cross version and criminal proceedings arising therefrom on the basis of compromise.

As per the allegations of the complainant-respondent No.2 Sawinder Singh @ Surinder Singh in CRM-M-43966-2015, petitioners along with few other persons armed with guns

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trespassed the house of the complainant and attacked the complainant and his family members. The fire arm injury was caused on the person of complainant. There has been previous enmity between the parties.

Counsel for the parties have submitted that the matter has actually been compromised and statements of the complainant and the accused have already been recorded in this regard.

It is a case where the complainant is alleged to have received fire arm injuries at the hands of Yadwinder Singh-petitioner No.3 and Avtar Singh-petitioner No.4.

Cross version had been recorded on the statement of Jasbir Kaur wife of Satnam Singh under Section 307 IPC and 25, 27 of the Arms Act alleging that gun shot were fired by accused persons.

I have considered the facts and circumstances of the case.

Without expression of any opinion on the merits of the case, in view of the nature of the State case against the petitioners, I do not deem it appropriate to quash the criminal proceedings on the basis of the compromise. However, it would be open to the trial Court to take into consideration the factum of compromise to grant any benefit to the accused including the order of acquittal on the basis of benefit of doubt while appreciating evidence of the complainant. It would also be open to the complainant and the injured to depose truth before the trial Court and enable the trial Court to decide the case.

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The petitions are disposed of without prejudice to the rights of the petitioners to get relief as mentioned herein above.

(M.M.S. BEDI)
JUDGE

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