

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

**CRM-25836-2018 in /and
CRM-M-27568-2017 (O&M)
Date of Decision:- 9.8.2018**

Pardeep Kumar @ Gogi and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Radhe Shyam Sharma, Advocate,
for applicant-petitioner No.3.

Ms. Ruchika Sabbharwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-25836-2018

Today at the very outset, learned State counsel has submitted that due to inadvertence on account of instructions from Investigating Officer it had been stated on the last date that the accused stand acquitted whereas the correct position is that only 2 of the accused stand acquitted whereas the trial in respect of the third accused, who is a juvenile, is still pending before the Juvenile Justice Board, Fazilka.

In view of the aforestated position, order dated 23.7.2018 is hereby recalled. The main case is taken on board today.

CRM-M-27568-2017

The present petition has been filed on behalf of 3 accused namely Pardeep Kumar alias Gogi aged 23 years, Sandeep Kumar alias Kalu aged 22 years and Bhim Sain aged 18 years, seeking quashing of FIR No.53, dated 12.8.2016, under Sections 304/34 IPC, Police Station Khuian Sarver, District Fazilka and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 19.2.2018 while noticing that petitioners No.1 and 2 already stand acquitted vide judgment dated 21.12.2017 and that the trial in respect of the third accused who is a juvenile is still pending, a direction had been issued to the parties to appear before the Principal Magistrate, Juvenile Justice Board, Fazilka to get their statements recorded qua the factum of compromise.

Report of learned Principal Magistrate Juvenile Justice Board, Fazilka has been received to the effect that the statements of complainant Mool Chand and also of the accused Bhim Sain have been recorded who have stated that they have compromised the matter with the intervention of the respectables. Complainant Mool Chand specifically stated therein that he does not wish to proceed further with the present case.

The Principal Magistrate, Juvenile Justice Board, Fazilka has specifically opined that the parties have effected the compromise voluntarily without there being any coercion or pressure.

In view of the aforesaid report and also the fact that two of the co-accused against whom identical allegations had been levelled already stand acquitted and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition stands allowed and FIR No.53, dated 12.8.2016, under Sections 304/34 IPC, Police Station Khuian Sarver, District Fazilka and all the consequent proceedings arising therefrom are hereby quashed.

August 9, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No