

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45110-2018

Date of Decision:13.12.2018

Kabal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross-case registered vide DDR No.44 dated 15.08.2018 under Sections 323, 324, 341, 427, 148, 149 IPC, 1860, Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) in FIR No.96 dated 07.08.2018 under Sections 307, 324, 323, 148, 149 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 20.08.2018 (Annexures P-3 and P-4), respectively.

This Court vide order dated 11.10.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Addl. Chief Judicial Magistrate, Gurdaspur, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2018 to the effect that the compromise is voluntary and genuine and is without any coercion or undue influence.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Simratpal Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 13.11.2018. The same is reproduced as under:-

“Stated that cross-case registered vide DDR No.44 dated 15.08.2018 under Sections 323, 324, 341, 427, 148, 149 of IPC, PS Sadar Gurdaspur, District Gurdaspur registered in FIR bearing No.96 dated 07.08.2018 under Section 307, 324, 323, 148, 149 of IPC, and Section 25 of the Arms Act Police Station Sadar Gurdaspur, was registered at my instance against Kabal Singh son of Sukhwinder Singh, Gurpreet Singh son of Sukhwinder Singh, Harpreet Singh @ Happy son of Sukhwinder Singh, Sukhwinder Singh son of Dalbir Singh and Gurmeet Kaur @ Savinder Kaur wife of Sukhwinder Singh, all resident of village Bhukra, PS Sadar Gurdaspur, Tehsil and District Gurdaspur. Now the matter has been compromised between me and petitioners No.1 to 5 aforementioned. The said compromise is voluntarily and genuine and is without any coercion or undue influence. However, petitioner No.5 Gurmeet Kaur @ Savinder Kaur aforementioned has not come present in the court today. The present DDR was registered against the aforementioned petitioners only. None of petitioners aforementioned have been declared proclaimed offender. I have no objection if the present DDR is quashed.”

Though there is an allegation against the petitioners of use of a fire-arm, but no injury has been caused to anybody. There is no impediment

to quash the DDR in view of law laid down by the Hon'ble Apex Court in ***Narinder Singh & others Versus State of Punjab and another 2014(2) R.C.R. (Criminal) 482.***

Learned State counsel has argued that it being a case under Section 307 IPC, the matter cannot be compromised in view of ***Narinder Singh's case*** (supra). However, he does not dispute the factum of compromise between the parties.

Since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant DDR as chances of conviction are bleak.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as in ***Narinder Singh's case*** (supra), this petition is allowed and DDR No.44 dated 15.08.2018 under Sections 323, 324, 341, 427, 148, 149 IPC, 1860, Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) registered in FIR No.96 dated 07.08.2018 under Sections 307, 324, 323, 148, 149 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise and affidavit dated 20.08.2018 (Annexures P-3 and P-4), respectively.

December 13, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No