

CRM-M-7178-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7178-2017

Date of Decision: 14th May, 2018

Gurpreet Singh @ Gopi & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Handa, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.14, dated 23.02.2010, registered under Sections 307, 326, 323, 324, 452 and 34 of the IPC, at Police Station Kartarpur, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of a compromise dated 13.05.2016 (Annexure P-4), which was entered into between the petitioners and respondent No.2-Jagir Singh.

Respondent No.2-Jagir Singh has died and his legal representatives, through their counsel, have stated that they do not abide by the said compromise, rather, counsel states that even Jagir Singh had filed an appeal against the non-conviction of petitioner No.1-Gurpreet Singh @

Gopi, under Section 378 of Code of Criminal Procedure. He states that in the light of the fact that Jagir Singh also did not adhere to the compromise, which is stated to have been entered into, the present petition does not survive as counsel for petitioner No.2 qua whom only the present petition survives in the light of the order dated 05.07.2017 passed by this Court in the present petition, where petition qua petitioner No.1 was only entertainable as respondent No.2 had already filed an appeal after his conviction.

Counsel for the petitioners states that legal representatives cannot wriggle out of the compromise as the compromise which has been entered into between the parties is subsequent to the filing of the appeal.

This contention of the counsel for the petitioners cannot be accepted for the simple reason that the legal representatives of the complainant are victim as per the provision of the Code of Criminal Procedure, who have now come forward through counsel and stated that there was no compromise between the parties and if there was one, they do not abide by the same and vigorously pursuing the appeal which has been preferred by Jagir Singh against petitioner No.1 Gurpreet Singh @ Gopi.

In view of the above, the present petition cannot be accepted and the same, therefore, stands dismissed.

Counsel for the petitioners insist that the Court must add that any observation made in this case will have no bearing upon the pending appeal or the trial. Although this Court is of the view that such an observation is not required as nothing has been said on the merits of the

CRM-M-7178-2017

case but to dispel the apprehension of the counsel for the petitioners, it is observed that none of the Courts would, in any manner, be prejudiced or effected by anything said in this order.

14th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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