

253/2
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 23.1.2019

(1) CRM-M-18642-2018 (O&M)

Gagandeep and ors

..... Petitioners

Versus

State of Punjab and ors

..... Respondents

(2) CRM-M-18710-2018 (O&M)

Harjit Kaur and another

..... Petitioners

Versus

State of Punjab and ors

..... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Veneet Sharma, Advocate for the petitioners
in CRM-M-18642-2018 and
respondent No. 2 in CRM-M-18710-2018.
Mr. Karanbir Singh, AAG, Punjab.

Mr. M.S. Bajwa, Advocate for the petitioners
in CRM-M-18710-2018 and
for respondent No. 1 and 2 in CRM-M-18642-2018.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This order shall dispose of above mentioned two petitions bearing No. CRM-M-18642-2018 titled as '**Gagandeep and ors versus State of Punjab and ors**' and CRM-M-18710-2018 titled as '**Harjit Kaur and ors Versus State of Punjab and ors**'.

In **CRM-M-18642-2018**, petitioners seek quashing of the criminal complaint No. 13 dated 05.09.2006 titled as '*Harjit Kaur vs. Gagandeep and others*' filed under Sections 326, 324, 323, 450, 506 and 34

of the Indian Penal Code (Annexure P-1) and the judgment dated 30.5.2015 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Patti and all consequential proceedings arising therefrom the basis of compromise dated 12.2.2018 (Annexure P-3).

In **CRM-M-18710-2018**, petitioners seek quashing of criminal complaint No. 73/25.9.2006/15.12.2011/1.9.2014 titled as '*Gagandeep vs. Harjit Kaur and others*' (Annexure P-1) under Sections 307, 326, 342, 323, 324, 34, 148 and 149 of the Indian Penal Code and the judgment dated 30.5.2015 (Annexure P-3) passed by Judicial Magistrate Ist Class, Patti and all consequential proceedings arising therefrom the basis of compromise dated 7.3.2018 (Annexure P-4).

It is a case of version and cross-version. Both the parties have been convicted under the aforesaid Sections. Now appeal against the conviction is pending.

Learned counsel for complaints contends that both parties belong to same locality in the same village and have effected the compromise. Both the parties want to live peacefully. Therefore, on the basis of the aforesaid compromise(s) dated 12.2.2018 (Annexure P-3) and dated 7.3.2018 (Annexure P-4), both parties seek quashing of the aforesaid complaints and conviction consequently.

Learned Additional District & Sessions Judge, Taran Taran, vide its letter dated 11.07.2018 in CRM-M-18642-2018 has reported that statement of both the parties have been recorded that they have arrived at a compromise which is with their free consent and own will.

Considering the fact that both parties belong to same locality in the same village and have amicably settled their dispute and want to live peacefully, it is fit case wherein after conviction in the complaint case, this Court should have exercised the powers under Section 482 of the Code of Criminal Procedure for quashing of the complaints as well as the conviction.

In view of above, CRM-M-18642-2018 and CRM-M-18710-2018 are allowed and the judgments dated 30.5.2015 (Annexure P-2) in CRM-M-18642-2018 and dated 30.5.2015 (Annexure P-3) in CRM-M-18710-2018 passed by Judicial Magistrate Ist Class, Patti are set aside and the criminal complaint No. 13 dated 05.09.2006 titled as '*Harjit Kaur vs. Gagandeep and others*' filed under Sections 326, 324, 323, 450, 506 and 34 of the Indian Penal Code (Annexure P-1) and criminal complaint No. 73/25.9.2006/15.12.2011/1.9.2014 titled as '*Gagandeep vs. Harjit Kaur and others*' (Annexure P-1) under Sections 307, 326, 342, 323, 324, 34, 148 and 149 of the Indian Penal Code along with subsequent proceedings arising therefrom are quashed qua petitioners.

Learned Additional Sessions Judge, concerned where the appeals are pending shall pass the necessary consequential orders.

A photocopy of this order be placed on the connected file.

(KULDIP SINGH)
JUDGE

23.1.2019
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No