

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25535-2020(O&M)

Date of Decision: 01.09.2020

Rishu @ Rishpal Singh & others

--Petitioners

Versus

State of U.T., Chandigarh & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kuldeep Singh, Advocate for the petitioners.

Mr. Lalit Kumar Gupta, APP, U.T., Chandigarh.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.217 dated 25.8.2019 under sections 341, 323, 147, 148, 149, 506, 307 I.P.C, registered at Police Station, Sector 34 (South), Chandigarh, on the basis of compromise which as per counsel stands effected between the parties.

Counsel for the petitioners has been heard.

Perusal of the FIR would reveal that the same was registered on the statement of Kapil Chopra in relation to an alleged occurrence that took place on 24.8.2019.

As per prosecution not only the complainant but Sandeep Rana, Digvijay Rana and Rajiv Kumar had also suffered injuries inflicted with sharp edged weapons. Allegations are against 7 accused.

However, the instant petition is at the hands of only 3 out of the 7 accused. That apart, as per pleadings on record, the compromise has been effected only with the complainant i.e. Kapil Chopra, respondent no.2. The other injured namely Sandeep Rana, Digvijay Rana and Rajiv Kumar have not been arrayed as party/respondents and no compromise is stated to have been effected with them.

Under such circumstances, the instant quashing petition on the basis of compromise cannot be entertained.

Confronted with such a situation, counsel seeks withdrawal of the instant petition with liberty to file a petition afresh at the hands of all the accused and by specifically pleading that a compromise stands effected not only with the complainant but the other injured as well.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

01.09.2020

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