

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-29077-2020 in/and
CRM-M-44245-2019
Date of Decision: 06.01.2021

Jaspal Singh @ Sekhon

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CRM-29102-2020 in/and
CRM-M-44249-2019

Simarjeet Singh @ Sekhon and another

...Petitioners

vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kuldip Singh, Advocate,
for the applicant-petitioner
(in CRM-29077-2020 in/and CRM-M-44245-2019) and
for respondents no. 2 and 3 (in CRM-M-44249-2019).

Mr. Talwinder Singh, Advocate,
for the applicants-petitioners
(in CRM-29102-2020 in/and CRM-M-44249-2019) and
for respondent no. 2 (in CRM-M-44245-2019).

Mr. Sandeep Kumar, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 29077 of 2020 in CRM-M-44245-2019 and
CM No. 29102-2020 in CRM-M-44249-2019

Case heard by video conferencing.

On 17.12.2019, the following order had been passed:-

*“All cases listed today have been taken up
for hearing by way of video conferencing because of
the situation existing due to the Covid-19 pandemic.*

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By these applications, advancement of the date of hearing in the accompanying petitions is sought, by which the FIR in question and the cross-version thereto are sought to be quashed on the basis of a compromise stated to have been reached between the parties.

Notice of motion having been issued in those petitions, the report of the learned JMIC, Moga, dated 9.3.2020, has been received, in which it is stated that the statements of various persons were recorded by that court in terms of the compromise reached between the parties but the statement of one Shinda @ Shaminder Singh (accused in FIR no.61) was not recorded as he did not appear before that court.

Notice in the applications.

Mr.R.S.Thind, learned DAG, Punjab, accepts notice at the asking of the court.

All learned counsel would determine from the reading of the FIR and the cross-version thereto as to whether the aforesaid Shinda @ Shaminder Singh is also an injured person, because if that is so, obviously the FIR/cross-version thereto cannot be quashed without his consent and without his statement being recorded.

Adjourned to 22.12.2020.

To be shown in the urgent motion list.

A photocopy of this order be also placed on the file of other connected case.”

Today, learned State counsel has taken instructions from ASI Baldhir Singh, that the aforementioned Shinda @ Shaminder Singh is not an injured person.

That being so and learned counsel for the complainant in the

FIR as also learned counsel for the complainant in the cross version thereto

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also submitting that they have no objection to the FIR and the cross-version thereto being quashed qua all accused, the applications are allowed and the date of hearing fixed in the accompanying petitions is advanced to today itself.

CRM-M-44245-2019 and CRM-M-44249-2019

By way of CRM-M- 44249-2019 the petitioners seek quashing, on the basis of a compromise arrived at between the petitioners and respondent nos. 2 and 3, of FIR no. 61 dated 24.09.2010, registered at Police Station Ajitwal, District Moga, for the alleged commission of offences punishable under Sections 323/452/34 of the IPC (with Section 452 of the IPC having been deleted later), as also all other subsequent proceedings arising therefrom. A copy of the compromise in the shape of an affidavit of respondent no. 2 has been annexed as Annexure P-3 with the petition.

By way of CRM-M- 44245-2019 the petitioner seeks quashing, on the basis of a compromise arrived at between the petitioner and respondent nos. 2, of DDR No. 23, dated 24.09.2010, registered for the alleged commission of offences punishable under Sections 324/326/34 of the IPC (with Section 326 of the IPC having been deleted later on), [in FIR no. 61 dated 24.09.2010, at Police Station Ajitwal, District Moga], as also all other subsequent proceedings arising therefrom. A copy of the compromise deed in the shape of an affidavit of respondent no. 2 has been annexed as Annexure P-3 with the petition.

In view of the order passed hereinabove in the applications seeking advancement of the date of hearing, as also looking at the nature of offences and the fact that the matter has been compromised between both the parties, both the petitions are allowed and FIR no. 61 dated 24.09.2010, registered for the alleged commission of offences punishable under Sections 323/452/34 of the IPC (with Section 452 of the IPC having been deleted later

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on) (in CRM-M-44249 of 2019), and DDR No. 23, dated 24.09.2010 (in CRM-M-44245-2019), also registered at the same police station, for the alleged commission of offences punishable under Sections 324/326/34 of the IPC (with Section 326 of the IPC having been deleted later on), along with all proceedings emanating therefrom, are hereby quashed.

January 06, 2021
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.