

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.227(2)

Case No. : CRM-M-6990-2023

Date of Decision : March 17, 2023

Harmanpreet Singh

.... Petitioner

vs.

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present: Mr. Ramandeep Singh Brar, Advocate
for the petitioner.

Mr. G.S. Shergill, AAG, Punjab.

Mr. Amit Dhawan, Advocate
for respondents no.2 and 3.

* * *

GURBIR SINGH, J (ORAL)

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of cross version vide DDR No.34 dated 18.03.2020, under Sections 323, 324 and 34 of IPC, registered at Police Station Shahkot, District Jalandhar (Rural), in case FIR No.12 dated 23.01.2020, under Sections 323, 324, 34 and 201 of IPC, registered at Police Station Shahkot, Jalandhar (Rural), on the basis of compromise (Annexure P-4).

Upon notice, respondents no.2 and 3 had appeared through counsel on the last date of hearing and admitted the factum of compromise effected between the parties.

Vide order dated 10.02.2023, parties were directed to appear before the Trial Court/Duty Magistrate and get their statements recorded

with regard to the compromise and the Court below was directed to send a report regarding the compromise.

Now report dated 09.03.2023 has been received. The same is ordered to be taken on record.

Learned State counsel has also filed the Status Report by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural), on behalf of respondent No.1- State of Punjab. The same is also taken on record. Copy thereof has been supplied to the counsel opposite.

It has been stated in the Status Report that on the basis of statement of Sarabjit Singh (respondent No.2 in the instant petition), the cross-case vide DDR No.34 dated 18.03.2020 in case FIR No.12 dated 23.01.2020 was registered against Harmanpreet Singh (petitioner in the present case), Surjit Singh Virk and Ravinder Singh @ Ninda for causing injuries to him and Surinder Singh Boughan @ Surinder Singh (respondent No.3 in the instant petition).

It has been further submitted that challan qua the accused persons in FIR No.12 dated 23.01.2020 and also in cross-case, has been filed before the learned Trial Court.

The present petitioner is facing trial and the case is pending for procuring presence of remaining two accused, namely, Surjit Singh Virk and Ravinder Singh @ Ninda. The main FIR has already been ordered to be quashed. Now the question arises whether the FIR can be quashed against the petitioner, when summons are being issued to procure the presence of the other two accused.

