

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:100075
CRM-24757-2023 in/and
CRM-M-8988 of 2023
Date of Decision: August 03, 2023

Harvinder Singh alias Raju and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lakhwinder Singh Mann, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. R.S. Sidhu, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

CRM-24757-2023

This is an application for pre-poning the main case i.e. CRM-M-8988 of 2023, which is fixed for 25.08.2023.

For the reasons as mentioned in the application, the same is allowed. The main case i.e. CRM-M-8988 of 2023, which is fixed for 25.08.2023 is pre-poned to today and taken on Board for hearing.

Main Case

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross case bearing DDR No.44, dated 23.04.2018, registered under Sections 325, 323 and 34 of IPC, at Police Station Shahkot, District Jalandhar Rural recorded in FIR No.67, dated 22.04.2018, under Sections 323, 324, 326 and 34 of IPC, Police Station Shahkot, District Jalandhar and subsequent proceedings arising therefrom qua the petitioners on the basis of compromise dated 14.02.2023 (Annexures P-3).

It is stated by counsel for the petitioners as well as counsel

for respondent No.2 that the matter has been compromised between the

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petitioners and respondent No.2 and that accused Jagjit Singh is a proclaimed offender and no quashing qua him is being sought.

This Court vide order dated 23.02.2023 had directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send his/her report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.05.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Statement of Respondent No.2- Tara Singh was recorded with regard to compromise before learned Magistrate on 03.03.2022.

Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise effected between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and DDR No.44, dated 23.04.2018, registered under Sections 325, 323 and 34 of IPC, at Police Station

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Shahkot, District Jalandhar Rural recorded in FIR No.67, dated 22.04.2018, under Sections 323, 324, 326 and 34 of IPC, Police Station Shahkot, District Jalandhar and subsequent proceedings arising therefrom qua the petitioners on the basis of compromise dated 14.02.2023 (Annexures P-3), are hereby quashed.

August 03, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No