

CRM-M-22826-2021

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22826-2021

Date of decision:-21.08.2023

Pardeep Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Ms.Seenu Ravish, Advocate for
Mr.Amandeep Chhabra, Advocate
for petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Lajpat Rai Sharma, Advocate for
Mr.Parvesh Sachdeva, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of cross version case registered vide Rapat No.25 dated 27.10.2018, under Sections 324, 323, 34 IPC relating to Police Station Arniwala, District Fazilka, Annexure P1 in FIR No.127 dated 27.10.2018, under Sections 325, 323, 34 IPC, registered at Police Station Arniwala along with all subsequent proceedings arising therefrom, on the basis of compromise Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that an altercation had taken place between the parties, who are agriculturists, regarding the irrigating of their fields, which has been amicably settled by compromise Annexure P2.

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3. Counsel for the respondent No.2/complainant has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 30.09.2021 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“(i) It is submitted that in view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine and has been entered into by the parties voluntarily without any pressure or coercion. (It is further respectfully submitted that compromise has been effected between accused Pardeep Kumar and Ritwan Kumar and complainant Jagdeep Singh except accused Mangal Singh (third accused) in rapat bearing No.25 dated 27.10.2018 under Section 325/323/34 IPC, Police Station Arniwala).

(ii) It is further respectfully submitted that all the accused/petitioners are on bail as per the statement of investigating officer and challan has not been presented till date in the present rapat bearing no.25 dated 27.10.2018 under Sections 325/323/34 IPC, Police Station Arniwala in FIR No.127 dated 27.10.2018 under Sections 325, 323/34 IPC, Police Station Arniwala, District Fazilka. Further, it is respectfully added over here that Rapat is against three accused persons namely Pardeep Kumar son of Kala Singh, Ritwan Kumar son of Ram Chand and Mangal Singh son of Gurbachan Singh, but only two accused i.e. Pardeep Kumar son of Kala Singh, Ritwan Kumar son of Ram

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Chand are petitioners before the Hon'ble Punjab & Haryana High Court.

(iii) It is respectfully submitted that as per report of the investigating officer no other proceeding is pending against the accused/petitioners."

6. In view of this development, report of the Trial Court and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, petition is allowed. cross version case registered vide Rapat No.25 dated 27.10.2018, under Sections 324, 323, 34 IPC relating to Police Station Arniwala, District Fazilka, Annexure P1 in FIR No.127 dated 27.10.2018, under Sections 325, 323, 34 IPC, registered at Police Station Arniwala along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

21.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No