

239(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16256-2023

Date of decision: 29.05.2023

DALJIT SINGH AND ORS.

...Petitioners

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Vikasdeep Singh, Advocate
for respondents No.2 and 3.

MANJARI NEHRU KAUL J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of cross case registered vide DDR No.40 dated 26.06.2019 under Sections 325, 341, 148, 149 of IPC, 1860 (later on offence under Sections 341, 148 and 149 IPC deleted, whereas offence under Section 34 IPC has been enhanced vide DDR No.23 dated 07.07.2019) at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-2) in FIR No.88 dated 09.06.2019 registered under Sections 323, 324, 452 IPC at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and the consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-3) arrived at, between the parties.

2. Vide order dated 29.03.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 28.04.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Additional Chief

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Judicial Magistrate, Tarn Taran, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the DDR *qua* the accused-petitioners is quashed.

4. The trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondents No.2 & 3 are the only aggrieved persons in the DDR in question.

6. In view of the report of the learned Additional Chief Judicial Magistrate, Tarn Taran, and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid DDR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

29.05.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No