

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-25869-2022 (O&M)

Reserved on: 16.01.2023

Pronounced on: 10.02.2023

Simranjit Singh & others

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Akshay Rana, Advocate
for the petitioner(s).

Mr. H.S. Sitta, DAG, Punjab.

Mr. C.S. Rana, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

DDR No.	Dated	Police Station	Sections
36	23.5.2019	Rama Mandi, Jalandhar, District Jalandhar	336/148/149/506 IPC and Section 25 Arms Act

IN

FIR No.	Dated	Police Station	Sections
102	15.5.2019	Rama Mandi, Police Commissionerate, Jalandhar	452, 427, 506, 148, 149 IPC and Sections 323 and 325 IPC (added later on).

The petitioners, arraigned as accused in the above captioned DDR, have come up before this Court under Section 482 CrPC for quashing of the DDR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioners came up before this Court to quash the DDR, impleading the aggrieved person as respondent no.2.
4. Vide order dated 4.7.2022, this Court directed the parties to appear before the concerned Illaqa Magistrate/Duty Magistrate/trial Court and get their statements recorded.
5. Accordingly, the parties appeared before appeared before the Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. Report of the learned Magistrate has also been received.
6. A close scrutiny of the report of learned Magistrate and other documents reveals that the respondent namely Sukhraj Singh, who has been impleaded as respondent no.2 in this case, has not appeared before the trial Court to record his statement, giving his no objection to the DDR being quashed. In fact, the complainant in the FIR i.e. Harwinder Singh has appeared in the Court and gave his no objection to the FIR(DDR) being quashed, which is not permissible. Even the material to ascertain the details of victim also not placed on record.
7. Since respondent no.2 Sukhraj Singh did not state about his no objection to the compromise and also the reasons which led to the compromise, as such this court cannot proceed further in this matter.
8. Given above, the present petition is defective and same is dismissed. However, liberty is reserved to the petitioners to file a fresh petition for quashing of DDR, arraigning the aggrieved person/victim/complainant, as respondent and there would be no necessity re-examine the aggrieved person and the accused, whose statements stand recorded. The copies of the statements along with report would suffice. It is further clarified that in case any such fresh petition is filed, the present petition shall not come in the way of the petitioners.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

February 10, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No