

282(2)

2023:PHHC:150414

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46760-2021
Date of decision: 23.11.2023

KABAL SINGH AND ORS

.....PETITIONERS

VERSUS

SAHIB SINGH AND ORS

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Majithia, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Sarabjit Singh, Advocate
for respondents No. 1 and 2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of Complaint Case No. COMI/34/2016 dated 04.10.2016 titled as 'Sahib Singh Vs. Harbans Singh and others' in which the petitioners have been summoned to face trial under Sections 326/323//325/506/120-B of the IPC vide order dated 07.06.2017 passed by learned Sub Divisional Judicial Magistrate, Baba Bakala, District Amritsar, and all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

2. Vide order dated 23.08.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 29.08.2023 to get their statements recorded regarding the compromise arrived at between them.

3. Report has since been received from learned Additional District and Sessions Judge, Amritsar 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 she would have no objection if the complaint *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.1 and 2 are the only aggrieved persons in the complaint in question.

6. In view of the report of learned Additional District and Sessions Judge, Amritsar and the principles laid down by the Hon'ble 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 complaint 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.

23.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

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