

2023:PHHC:097424

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

CRR-70-2023 (O&M)

Date of Decision: 28.07.2023

ANIL KUMAR MARWAHA

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rajveer Singh Brar, Advocate for
Mr.Vikram Anand, Advocate, for the petitioner.
Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner has assailed the order dated 01.09.2022 passed by the learned trial Court vide which application under Section 311 Cr.P.C. has been dismissed.
2. Heard and record perused.
3. The petitioner is complainant and on the basis of his statement FIR No. 225 dated 05.09.2018 under Sections 498-A and 406 IPC has been registered at Police Station City Kapurthala on account of marital dispute between his daughter and respondent No.2. The petitioner intends to prove on record compromise deed, Annexure P-2, by examining ASI Jasvir Chand.
4. It is significant to note that while dismissing the application, the learned trial Court has observed as following:-

“Perusal of file shows that allegations levelled in this case by the complainant against the accused persons are of committing offence of cruelty, harassment, demand of more dowry articles and misappropriated the same. Charge against the present accused persons was framed on 28.10.2021 under Sections 498-A, 406 IPC. Perusal of file shows that compromise deed dated 14.03.2018 Ex.P1/PW-1 has already been proved on record by PW-1 Anil Kumar Marwaha in his evidence whose signatures are there on the

said compromise deed. There is no necessity to call each and every witness of the said compromise deed Ex.PW1/PW-1. In these set of circumstances, the present application dated 23.05.2022 moved by the prosecution under Section 311 Cr.P.C., stands dismissed and disposed off, accordingly.”

5. Learned State counsel submits that the charge in the instant case was framed on 28.10.2021 and out of 17, 15 witnesses have already been examined.

6. It is significant to note that the compromise has been sought to be proved to establish that respondent No.2 had extended some apology. Moreover, besides ASI Jasvir Chand, there are large number of persons, who had put their signatures thereupon. It has been categorically observed by the learned trial Court that the compromise deed dated 14.03.2018 has already been proved as Ex.P1 in the statement of the petitioner. His signatures also appear on the compromise deed. A party cannot be permitted to call all the witnesses who are signatories to a document.

7. In view of the categoric observation of the trial Court, the examination of ASI Jasvir Chand does not appear to be essential for just decision of the case.

8. As such, no interference is called for in the present petition.

9. Dismissed.

28.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No