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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7531-2024 (O&M)
Date of decision: 20.03.2024

Tirth Singh @ Tirath Singh

...Petitioner

Versus

Satnam Singh

...Respondent

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Ghumman, Advocate
for the petitioner.

Mr. Armaan Gagneja, Advocate
for the respondent.

HARPREET SINGH BRAR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of the Complaint case bearing No.SC/35/2016 dated 30.01.2016 under Sections 307, 326, 324, 34 of the Indian Penal Code, 1860, pending in the Court of learned Judicial Magistrate 1st Class, Phillaur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 02.09.2023 (Annexure P-2).

2. The following order was passed on 14.02.2024: -

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint case registered as SC 35 of 2016 dated 30.01.2016 under Sections 307/326/324/34 of IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 02.09.2023 (Annexure P-4).

Learned counsel for the petitioner inter alia contends that the injuries on the vital part of the body was attributed to co-accused-Baliyar Singh and Balvir Singh and petitioner is alleged to have given injuries on the left hand and left thigh of the complainant. Balvir Singh who is alleged to have hit the complainant with datar on the left side of the head of the complaint has been acquitted by the learned trial Court and there is nothing on record to suggest that the petitioner can be held liable for an offence under Section 307 of IPC. To support his contention, he relies upon upon the judgment of the Hon'ble Supreme Court in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688.

Notice of motion.

At this stage, on the asking of the Court, Mr. Armaan Gagneja, Advocate accepts notice for respondent No.1 and files his power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Having heard learned counsel for the parties and after perusing record of the case, this Court finds force in the arguments advanced by learned counsel for the petitioner.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 20.03.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and Complaint case bearing No.SC/35/2016 dated 30.01.2016 under Sections 307, 326, 324, 34 IPC, pending in the Court of learned Judicial Magistrate 1st Class, Phillaur, District Jalandhar and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

20.03.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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