

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-15676-2023 (O&M)
Date of decision: 08.01.2024

Randhir Singh and othersPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Kumar Sharma, Advocate for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of Rapat vide G.D. No.19 dated 24.02.2010 (Annexure P-2) under Sections 323, 324, 148, 149 of the IPC as cross case of FIR No.29 dated 24.02.2010 (Annexure P-1) under Sections 323, 324, 148, 149 of the IPC registered at Police Station Lalru, District SAS Nagar Mohali and all consequential proceedings arising out of the same, on the basis of compromise by way of affidavit dated 11.05.2010 (Annexure P-3) arrived at, between the parties.

2. Short reply by way of affidavit of Dr. Darpan Ahluwalia, IPS, Assistant Superintendent of Police, Sub Division Derabassi, District SAS Nagar (Mohali) on behalf of respondent No.1-State has been filed in the Registry of this Court which is taken on record subject to all just exceptions.

3. Learned counsel for the petitioners submits that after the parties effected an amicable settlement, the complainant got his statement recorded before the learned JMIC, Dera Bassi on 21.09.2019,

however, subsequently he expired. Learned counsel submits that in the circumstances, once a statement had been made before the Trial Court by the complainant himself of the matter having been amicably settled, continuation of the case in hand which is a cross case of FIR No.29 dated 24.02.2010 under Sections 323, 324, 148, 149 of the IPC, would serve no useful purpose. In support, learned counsel has drawn the attention of this Court to Annexure P-6 wherein the factum of the complainant having made statement before learned JMIC, Dera Bassi stands reflected. Learned counsel for the petitioner has also drawn the attention of this Court to para IV of the affidavit filed on behalf of the respondent-State wherein also it stands reflected that it is case of version and cross version and the offences against the petitioners were not supported by any evidence and it was in the above background that a cancellation report had been presented before the Trial Court.

4. In view of 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 G.D. and all consequential proceedings arising out of it, are quashed qua petitioners.

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

08.01.2024

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(MANJARI NEHRU KAUL)
JUDGE

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