

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21706-2023 (O&M)
Reserved on: 13.05.2024
Pronounced on: 20.05.2024

Kuldip Singh & others
... Petitioner(s)
Versus
State of Punjab & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Parminder Singh Kanwar, Advocate
for the petitioner(s).

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Amaninder Preet, Advocate
for respondent nos.2 & 3.

ANOOP CHITKARA, J.

Crl. Comp. No.	Dated	Court	Sections
33	10.10.2012/ 21.05.2015	Judicial Magistrate Ist Class, Mukerian	323/427/452/506/148/149 IPC

The petitioners, arraigned as accused in the above captioned complaint, after conviction and sentence under Sections 323/506/148 read with Section 149 CrPC, have come up before this Court under Section 482 CrPC for quashing of the complaint captioned above and all consequential proceedings, including judgment of conviction and order of sentence dated 30.3.2019, based on the compromise with the aggrieved person(s).

2. During the pendency of the appeal against conviction, the accused and the aggrieved person(s) have compromised the matter, and its copy is annexed with this petition as Annexure P-4.

3. After that, the petitioners came up before this Court to quash the complaint captioned above, impleading the aggrieved person as respondent(s).

4. Vide order dated 2.5.2023, this Court directed the parties to appear before the appellate Court/Duty Magistrate and get their statements recorded and the concerned Court was directed to furnish its report regarding genuineness of the compromise.
5. Pursuant thereto, report dated 3.6.2023 of the District & Sessions Judge, Hoshiarpur has been received, as per which the complainant (R-2) appeared before him and stated that he would have no objection if the Court quashes this criminal complaint and consequent proceedings. However, statement of respondent no.3 Jatinder Kumar, who is also a victim in the case, has not been recorded. Even there is no averment *qua* non-recording of his statement.
6. Since statements of all the aggrieved persons have not been recorded, as such this Court cannot proceed further in the matter.
7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the aggrieved persons(s) and the accused persons(s), whose statements stand recorded. The copies of the statements along with report would suffice.

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

(ANOOP CHITKARA)
JUDGE

May 20, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No