



201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33392-2022 (O&M)
DATE OF DECISION:-24.05.2024

Gagandeep Singh @ Gagan Sodhi and others

...Petitioners..

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jasraj Singh, Advocate,
for the petitioners.

Mr. Athar Ahmed, DAG, Punjab.

Ms. Manju Goyal, Advocate for
Mr. Parunjeet Singh, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of criminal complaint bearing No.19 dated 03.03.2014 registered under Sections 307, 323, 506, 148 and 149 IPC (Annexure P-1) and all other subsequent proceedings arising therefrom including the summoning order dated 22.04.2015, on the basis of compromise arrived at between the parties.

2. As per the allegation levelled in the complaint, the petitioners inflicted injuries to the complainant with their respective weapons i.e. kirpans and baseball bat with an intention to kill him.

3. In pursuance of order dated 16.04.2024 passed by this Court,

whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 06.05.2024 has been received from the concerned Court, stating that compromise arrived between the parties is genuine, voluntarily and out of free will of the parties. No accused has been declared as proclaimed offender.

Though, the summoning was done under Section 307 IPC, however, the injury on the head of the complainant has been declared as simple, whereas, seat of grievous injury was on the non-vital part i.e. little finger of left hand.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of complaint as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present complaint qua the petitioners. Further, the parties are facing the agony of trial for the past 10 years and the incident in question was not a predetermined & premeditated one without motive, besides it, the injuries were not dangerous to life. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the complaint on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains

for the Trial Court to invest further time and effort in adjudicating this complaint. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Moreover, learned counsel for the petitioners on instructions from his clients, submit that they volunteer to serve public cause by providing one (01) 12 BPL lead ECG Machine, to Civil Hospital, Patiala.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, criminal complaint bearing No.19 dated 03.03.2014 registered under Sections 307, 323, 506, 148 and 149 IPC (Annexure P-1) as well as all subsequent proceedings arising therefrom including summoning order dated 22.04.2015, are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed, however, subject to providing one (01) 12 BPL lead ECG Machine, to the Civil Hospital, Patiala, within a period of one week from the date of receipt of certified copy of this order as volunteered by the petitioners against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

24.05.2024

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(HARKESH MANUJA)

JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No