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Sat Dev Singh and Others Vs. State of Punjab and Others

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Court : Punjab and Haryana

Decided On : Sep-18-2013

Appellant : Sat Dev Singh and Others

Respondent : State of Punjab and Others

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Criminal Misc.

No.M-14552 of 2013 Date of Decision : September 18, 2013 Sat Dev Singh and others ....Petitioners Versus State of Punjab and others ...Respondents CORAM : HON'BLE Mr.JUSTICE T.P.S.MANN Present : Mr.Agam Jund, Advocate for the petitioneRs.Mr.Gurinderjit Singh, Deputy Advocate General, Punjab for respondent No.1.

Mr.Amandeep Singh, Advocate for Mr.Karan Jund, Advocate for respondents No.2 and 3.

T.P.S.Mann, J.

(Oral) Prayer made in the present petition filed by the petitioners under Section 482 Cr.P.C.is for quashing of the cross case based on DDR No.30 dated 20.4.2008 under Sections 324/323/34 IPC arising out of FIR No.28 dated 20.4.2008 registered under Sections 324/323/341/34 IPC, to which offence under

Section 326 IPC was added later on, at Police Station Ghanaur, District Patiala on the ground that the parties had since resolved their differences amicably.

Initially, FIR No.28 dated 20.4.2008 under Sections 324/323/341/34 IPC was registered at the instance of Sat Dev Singh- petitioner against respondent No.3-Sukhbir Singh and three otheRs.Satish Kumar 2013.09.23 14:40 I attest to the accuracy and integrity of this document Chandigarh Criminal Misc.

No.M-14552 of 2013 -2- namely, Jaspal Singh, Balbir Singh @ Goldy and Jagir Singh.

During its investigation, DDR No.30 dated 20.4.2008 was recorded on the basis of which cross-case was initiated against the petitioneRs.According to the petitioneRs.at the intervention of the respectables of the society, the matter between the parties stood amicably resolved.

In that regard, the compromise deed dated 2.4.2013 was prepared and copy of the same appended with the petition as Annexure P-3.

Even respondent No.2 Bakshish Singh, at whose statement DDR was recorded, executed an affidavit dated 2.4.2013 wherein he admitted the factum of compromise between the parties and expressed no objection if the cross case initiated on the basis of his statement against the petitioners was quashed.

While issuing notice, a co-ordinate Bench of this Court had directed the parties to appear before the trial Court for getting their statements recorded in respect of the compromise.

The said Court was directed to submit its report as to whether the compromise had been voluntarily entertained into by the parties or not.

Report has since been received from the Judicial Magistrate 1st Class, Rajpura, wherein it has been mentioned that on 24.5.2013, the petitioners on the one hand and respondents No.2 and 3 on the other appeared and got recorded their respective statements wherein they confirmed the factum of compromise.

Respondents No.2 and 3 also produced photocopy of the compromise deed dated 2.4.2013 and identified Satish Kumar 2013.09.23 14:40 I attest to the accuracy and integrity of this document Chandigarh Criminal Misc.

No.M-14552 of 2013 -3- their signatures on the same.

Even the petitioners confirmed their signatures/thumb-impressions on the compromise deed.

In their statements respondents No.2 and 3 stated that they had no objection if the cross case initiated against the petitioners was quashed.

Learned State counsel has filed the reply wherein it has been mentioned that the trial of the case has reached the stage of recording of the defence evidence.

Once the parties have entered into a compromise and in that regard have suffered their statements before the trial Court, this Court is of the considered view that no useful purpose would be served by allowing the criminal proceedings to continue.

Accordingly, inherent powers under Section 482 Cr.P.C.can be exercised so as to quash the cross case initiated against the petitioneRs.Resultantly, the petition is accepted, cross-case based on DDR No.30 dated 20.4.2008 under Sections 324/323/34 IPC during the investigation of FIR No.28 dated 20.4.2008 registered under Sections 324/323/341/34 IPC, to which offence under Section 326 IPC was added later on, at Police Station Ghanaur, District Patiala is quashed and all the proceedings taken thereunder set aside.

(T.P.S.MANN) September 18, 2013 JUDGE satish Satish Kumar 2013.09.23 14:40 I attest to the accuracy and integrity of this document Chandigarh

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