
(2011) 05 P&H CK 0037

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-11345 of 2011

Joga Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 325

Citation : (2011) 05 P&H CK 0037

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—Present petition has been filed u/s 482 Code of Criminal Procedure seeking quashing of FIR No. 241 dated 12.9.2008, registered at Polie Station Samana, District Patiala, under Sections 341, 323, 324, 148, 149, 506, 427 IPC. Counsel for the State has submitted that during investigation, offences u/s 325 and 326 IPC were also added.

2. Quashing of the above stated FIR has been sought on the basis of a compromise, Annexure P-2, arrived at between the parties. This Court on April 19, 2011 had passed the following order:

In the present petition, a prayer has been made that FIR No. 241 dated 12.9.2008, registered at Polie Station Samana, District Patiala, under Sections 341, 323, 324, 148, 149, 506, 427 IPC be quashed on the basis of compromise Annexure P-2. Reliance has been placed on the judgment rendered by the Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR (Cri) 1052.

Issue notice of motion.

The parties are directed to appear before the trial Court, which shall verify the factum of compromise after examining the accused and the complainant/injured and thereafter submit a report to this Court. Counsel for the Petitioners

undertakes that the accused and the complainant/injured shall appear before the trial Court on 28.4.2011. To wait the report of the trial Court, list on 10.5.2011.

3. In compliance with the order passed by this Court, Sub Divisional Judicial Magistrate, Samana has submitted that the statements of the parties were recorded and the following order was passed:

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Present: Complainant with Balraj Singh in person. Accused Joga Singh, Nirmal Singh & Palwinder Singh in person.

Complainant and above said accused persons have come present and they have made statement that compromise has been effected between the parties. Statement of Joginder Singh Lambardar has also been recorded, who has stated that parties have made statement in his presence. It has been stated that accused Gulab Singh and Amarjit Singh could not come present as they have gone to Madhya Pradesh for harvest wheat crops. I am satisfied that compromise has been effected without any pressure or threat. The report be sent to Hon''ble High Court as directed.

Announced:

4.5.2011

Sandeep Kumar Singla Sub Divisional Judicial Magistrate Samana

4. Shri Sra, on instructions from HC Bhagwant Singh, who has come to assist him, has submitted that the investigating agency has also verified the factum of compromise and has decided to submit an untrace report within a period of one month from today.

5. In view of the statement made by Counsel for the State, present Crl. Misc. No. M-11345 of 2011 -: 3: petition is disposed of by directing the Sub Divisional Judicial Magistrate, Samana that on receipt of untrace report, he shall be decide the same in accordance with the provisions of law.