

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-23030-2012(O&M)

Date of decision : 13.02.2015

Amarjit Ram and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.S.S.Toor, Advocate
for the petitioners.

Mr.Gazi Mohammad, DAG, Punjab.

None for respondents No.2 & 3.

REKHA MITTAL, J.

The present petition under Section 482 of the Code of Criminal Procedure (for brevity 'Cr.P.C.') has been preferred for quashing FIR No.7 dated 28.01.2011 registered in Police Station Mehatpur for offence punishable under Sections 363, 366, 366-A, 376 read with Section 34 of the Indian Penal Code (for brevity 'IPC') and the proceedings emanating therefrom on the basis of compromise dated 07.07.2012.

The aforesaid FIR was lodged by mother of the prosecutrix on the allegations that on 28.01.2011, the prosecutrix and the complainant were standing at Bus Stand Nawan Pind. Her daughter was waiting for her school bus and she was also waiting for the bus. In the meanwhile, one Innova car white colour bearing No.PB01-T-7308 came from the side of village Alawal in which Shinder Pal, Ravinder, Kala sons of Balbir Chand and Amarjit

Ram son of Pakkhar Ram were travelling. The vehicle was driven by Shinder Pal and he stopped the vehicle near them. Amarjit Ram and Ravinder alighted from the vehicle and forcibly pushed her daughter inside the vehicle and she (complainant) was thrown away. Later the statement of the prosecutrix was recorded and offence under Section 376 IPC was added. On completion of investigation, challan was presented against accused Shinder Pal @ Banti only but the trial Court summoned the petitioners as additional accused in exercise of power under Section 319 Cr.P.C. for offence punishable under Sections 363 and 366-A IPC.

Counsel for the petitioners contends that as dispute between the petitioners and the complainant has been settled by way of compromise, the criminal proceedings against the petitioners may be given a quietus. It is further submitted that trial against the accused already before the Court namely Shinder Pal has culminated in the judgment of conviction for offence punishable under Sections 363 and 366 IPC, therefore, no useful purpose would be served by continuation of the criminal proceedings.

I have heard counsel for the petitioners and perused the records.

Shinder Pal was put to trial which ultimately culminated in the judgment dated 04.02.2013 passed by the Additional Sessions Judge, Jalandhar. Perusal of the judgment would reveal that petitioners No.1 to 3 have been declared as proclaimed offenders, thus, they are guilty of staying away from judicial process which disentitles them to seek indulgence of this Court in exercise of inherent jurisdiction. This part, the real victim of the crime is minor daughter of the complainant and she can not be a party to any such compromise purportedly entered into between the petitioners and the

complainant. Another important aspect of the case is that the complainant and her husband were arrayed as respondents No.2 & 3 but they never conceded to factum of any such compromise between the parties.

For the reasons aforesaid, finding no merit, the petition is dismissed.

(REKHA MITTAL)
JUDGE

February 13, 2015.

DK