

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M- 26924 of 2015

Date of decision: 14.09.2015

Manjit Kaur and others

----Petitioner(s)

V/s

State of Punjab and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Gurcharan Dass, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.92 dated 10.3.2015 under Sections 323, 341, 452, 149 IPC read with Section 3(1) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Jodhewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.5.2015 (Annexure P-3) with a further prayer that in the event of appearance of petitioners No.8 to 14 before the trial Court for getting their statements recorded with regard to the compromise in the matter, they may be admitted to bail by the trial Court and for stay of further proceedings on the basis of F.I.R. (Annexure P-1).

This Court vide order dated 13.08.2015 has passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.92 dated 10.3.2015 under Sections 323, 341, 452, 149 IPC read with Section 3(1) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Jodhewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.5.2015 (Annexure P-3) with a further prayer that in the event of appearance of petitioners No.8 to 14 before the trial Court for getting their statements recorded with regard to the compromise in the matter, they may be admitted to bail by the trial Court and for stay of further proceedings on the basis of F.I.R. (Annexure P-1).

Notice of motion for 14.9.2015.

In the meanwhile, proceedings pursuant to the F.I.R. (Annexure P-1) shall remain stayed.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 27.8.2015.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and,
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Pursuant to the aforesaid order dated 13.08.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhaina, and have got their statements recorded.

The statement of the complainant, namely, Jasvir Kaur wife of Sh. Daljit Singh, resident of House No. 112, Gobindpuri, Bahadurke

Road, Ludhiana, made before the learned Magistrate, Ludhiana on 27.08.2015, reads as under:-

“Stated that I had got recorded FIR No. 92, dated 10.03.2015, under Section 323, 341, 452, 149 of IPC read with Section 3(1) (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, PS Basti Jodewal, Ludhiana. I have entered into compromise with the accused persons. So, keeping in view the good and cordial relations for future, I do not want to pursue with the prosecution of this case and I have no objection if the present case is quashed by the Hon'ble Punjab and Haryana High Court, where the petition under Section 482 has already been filed and which is pending for 14.09.2015. The original compromise bears my signatures and same is correct. Copy of compromise is Ex. C-1 and in this regard copy of my affidavit is Ex. C-2. My compromise with the accused persons is genuine, voluntary and without any coercion and undue influence”

On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Ludhiana, has submitted his report dated 07.09.2015, to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Learned State counsel also does not dispute the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State**

of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and others, (2012)10 SCC 303*, this petition is allowed and F.I.R. No.92 dated 10.3.2015 under Sections 323, 341, 452, 149 IPC read with Section 3(1) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Jodhewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.5.2015 (Annexure P-3), are hereby quashed.

September 14, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**