

**IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH**

CRM No.M-33546 of 2012 (O&M)

Date of decision:17.07.2015

Sardool Singh and others

... Petitioners

Vs

Baldev Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Sandeep Arora, Advocate for the respondents.

TEJINDER SINGH DHINDSA, JUDGE

The present petition has been filed under Section 482 Cr.P.C seeking quashing of complaint No.418-1-2009 dated 07.07.2009 titled as Baldev Singh vs. Davinderjit Kaur & others under Section 420 IPC as also the summoning order dated 13.07.2010 passed by the Judicial Magistrate 1st Class, Jalandhar (Annexure P-3) and subsequent proceedings arising therefrom.

On 02.02.2015, this Court had taken notice of the submission raised by counsel appearing for the respondent that the dispute between the parties has been settled by way of a compromise and even a petition under Section 13-B of the Hindu Marriage Act has since been allowed. Accordingly, parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise/settlement on 04.03.2015.

It so transpires that even though the statement of the complainant-Baldev Singh was recorded before the trial Court on 24.02.2015 but on account of certain unavoidable circumstances the

accused/present petitioner could not appear. Accordingly, one more opportunity was granted to the petitioners to appear before the trial Court on 26.03.2015 to facilitate the recording of the statements.

Placed on record is a report dated 01.04.2015 of Judicial Magistrate 1st Class, Jalandhar and a perusal thereof would reveal that statements of the accused/petitioners No.1 to 5, 7 and 8 have been duly recorded. Insofar as petitioner No.6 is concerned i.e. Nishan Singh, he is stated to have expired on 17.04.2014 and even his death certificate Ex.A1 was duly produced before the trial Court. Complainant-Baldev Singh had already got his statement recorded in support of the compromise on 24.02.2015.

Trial Court has opined that a compromise has been effected between the parties and the same is without any threat, pressure or undue influence.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute and a conscious decision has been taken by the parties to bury the hatchet.

Keeping in view the factual position as regards the parties having settled the dispute, which was essentially civil in nature, the present petition is allowed. Complaint No.418-1-2009 dated 07.07.2009 titled as

Baldev Singh vs. Davinderjit Kaur & others under Section 420 IPC, summoning order dated 13.07.2010 passed by the Judicial Magistrate 1st Class, Jalandhar (Annexure P-3) and all subsequent proceedings emanating therefrom stand set aside.

Petition allowed in the aforesaid terms.

17.07.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE