

**CRM-M-31764-2015**

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

**CRM-M-31764-2015**

**Date of Decision: December 10, 2015**

Raj Singh and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

- 1.           *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2.           *To be referred to the Reporters or not ?***
- 3.           *Whether the judgment should be reported in the Digest?***

Present:   Mr.M.S.Rana, Advocate  
              for the petitioners.

Mr.Kuldeep Tiwari, Addl.A.G.Haryana  
for respondent No.1.

Mr.Satish Jaswal, Advocate  
for respondent No.2.

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**NARESH KUMAR SANGHI, J.(ORAL)**

The present petition, filed under Section 482, Cr.P.C., is for quashing of Criminal Complaint bearing No.1 of 30.10.2012/01.08.2014 titled as “**State through Raje son of Risala vs. Raj Singh and others**”, under Sections 3(1)(iv) and (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989, pending before learned Additional Sessions Judge (Special Court) Rohtak, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4).

Vide order dated 17.09.2015, the affected parties were directed to appear before the learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the petitioners, Raj Singh and Subhash as well as Raje, respondent No.2, did appear before the Court below and got recorded their respective statements with regard to the compromise. The copies of the statements as well as the report from the learned Court below have been received.

Raje, respondent No. 2, suffered the following statement:-

*“Stated that I have reached a compromise with the accused persons in the dispute pending before this Court and all other disputes pending in other courts in relation to the surplus land allotted to my father namely Risala from the area declared surplus. That as per the compromise the complainant has executed a sale deed in favour of the accused for the land falling to his share, out of the land allotted to my father Risala (since*

*deceased). No dispute remains between the parties. The consideration amount of Rs.26,00,000/- has been received by the complainant. We also tender original copy of Mark-C1 of the abovesaid compromise arrived between us with the intervention of brotherhood. Resultantly, I do not want to pursue the present complaint and have no objection in case the above-mentioned complaint case is quashed against the above-named accused.”*

Similar joint statement was suffered by the petitioners.

The operative part of the report received from learned

Court below is as under:-

*“After recording the statements of the parties and hearing them, I am satisfied that the compromise arrived at between the parties was voluntary and genuine and without any pressure or coercion from any quarter. The copies of the statements of the complainant Raje and accused Raj Singh and Subhash and that of compromise Mark C-1 are annexed herewith for kind perusal of the Hon'ble High Court.”*

Learned counsel for respondent No.2 very fairly concedes that the offences alleged to have been committed by the petitioners are personal in nature. Due to intervention of the respectable and elderly people of the society, both the private parties resolved their dispute and effected a compromise, Annexure P4. He further submits that the private parties did

appear before the Court below and suffered their respective statements admitting the factum of compromise and, as such, he has no objection if the impugned complaint and consequential proceedings emanating therefrom are quashed.

Learned counsel for the State has gone through the copies of the statements as well as the report received from the learned Court below and, as such, has no objection if the present criminal litigation is terminated on the basis of compromise, Annexure P4.

Learned counsel for the petitioners submits that on account of a trivial issue there was a scuffle between respondent No.2 and the petitioners. Under misconception, the complaint was filed by respondent No.2. In view of the compromise effected between the parties, the pendency of the complaint and the proceedings emanating therefrom would be a sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 (SC)**, and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052.**

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that on a petty issue, there was a scuffle between the private parties. They have resolved their dispute and effected a compromise and, as such, further proceeding with the complaint will be a futile exercise by the learned trial Court.

As a sequel to the above and taking into consideration the ratio of the judgments cited by the learned counsel for the petitioners in the matters of **Gian Singh** and **Kulwinder Singh and others** (supra), the complaint titled as “**State through Rajson of Risala vs. Raj Singh and others**”, under Sections 3(1)(iv) and (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending before learned Additional Sessions Judge (Special Court) Rohtak, and all the consequential proceedings arising therefrom are hereby quashed.

**December 10, 2015**  
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**(NARESH KUMAR SANGHI)**  
**JUDGE**