

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

**CRM-M No.37615 of 2014
Decided on: 23.03.2015**

Harbhajan Singh @ Sohna & others . . . Petitioners

Versus

State of Punjab & another . . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Salil Bali, Advocate or
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Ms. Neetu Singh, Advocate
for the respondent No.2.

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?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C is for quashing of the complaint No.114-1 dated 24.07.2009 (Annexure P-1) titled as 'Raj Singh versus Harbhajan Singh & others, under Sections 326, 324, 323, 506, 34 IPC and all the subsequent proceedings arising thereto including the order dated 05.11.2012 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Zira, whereby the petitioner No.3 has been

declared as absconder, on the basis of a compromise dated 22.09.2014 (Annexure P-3) arrived at between the parties.

On 13.02.2015, this Court passed the following order:-

“Reply filed by way of affidavit of Hardev Singh, PPS, Deputy Superintendent of Police, Zira, District Ferozepur, on behalf of respondent No.1-State, in the Court today, is taken on record.

The copies of the statements of the witnesses have been produced, showing that six witnesses have been examined so far and they have supported the prosecution case.

*Learned counsel for the petitioner relies upon judgment in case of “**Yogendra Yadav vs. State of Jharkhand and another**”, 2014 (3) R.C.R. (Criminal) 869, of the Hon’ble Apex Court, wherein even after the examination of six witnesses, the proceedings are quashed.*

All these matters will be considered at the final disposal. For the time being, the parties are directed to appear before the trial Court within three weeks and the trial court is directed to record the statements of the parties and report to this Court whether the parties have compromised the matter and if so, report to this Court whether the same is genuine and without any pressure.

Adjourned to 23.03.2015.

In the meanwhile, the trial court shall not pass the final judgment.

Photocopy of this order be placed on the connected case file.”

In compliance of the aforesaid order, both the parties appeared before Sub Divisional Judicial Magistrate, Zira and got

their statements recorded on 27.02.2015, endorsing the factum of compromise.

The Sub Divisional Judicial Magistrate, Zira vide his report dated 09.03.2015 has endorsed the factum of compromise having been entered between the parties out of their free will. The compromise in question has been found to be genuine and effected with free will and without any coercion or pressure whatsoever. The Magistrate has referred to the statements made by the parties before him and submitted the same for perusal of this Court.

Having considered the nature of controversy and the factum of compromise, this Court is of the opinion that both the parties have amicably settled their grievance and the compromise would go long way to maintain peace and public tranquility.

Resultantly, complaint No.114-1 dated 24.07.2009 (Annexure P-1) titled as 'Raj Singh versus Harbhajan Singh & others, under Sections 326, 324, 323, 506, 34 IPC and all the subsequent proceedings arising thereto including the order dated 05.11.2012 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Zira, whereby the petitioner No.3 has been declared as absconder, along with entire subsequent proceedings, if any, undertaken stands quashed.

[Raj Mohan Singh]
Judge

23.03.2015
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