

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

248

CRM-M-8417 of 2015
Decided on : 10.08.2015

*Baldev Singh and others**... Petitioner(s)**Versus**State of Punjab and another**... Respondent(s)*

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Vijay Rana, Advocate for the petitioners.
Mr.P.S.Madahar, AAG,Punjab.

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?

Hari Pal Verma, J. (Oral)

At the outset, learned counsel for the petitioners wishes to withdraw the present petition qua petitioner No.2 i.e.Avtar Singh .

Ordered accordingly.

Prayer in the present petition is for quashing of the impugned summoning order dated 5.7.2013 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Jalandhar whereby the petitioners have been summoned in a complaint case filed by respondent No.2 under Sections 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Sections 427/452 and 323 of the Indian Penal Code tilted as "Surinder Kaur Vs. Baldev Singh and others pending before learned Judicial Magistrate 1st Class, Jalandhar.

Learned counsel for the petitioners contends that the parties have entered into compromise on 18.02.2015 (Annexure P/3) and on the basis of aforesaid assertion, notice was issued to the respondents vide order dated 27.03.2015 and parties were directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement.

Pursuant to the aforesaid order, parties have appeared before the Illaqa Magistrate and got their statements recorded. Learned Judicial Magistrate 1st Class, Jalandhar has forwarded a report dated 13.4.2015 and has stated that compromise effected between the parties is genuine, volunarily and without any undue influence and coercion.

Out of the petitioners, Baldev Singh son of Jhagra Ram, and Baljit Kaur @ Daljit Kaur wife of Avtar Singh have appeared before the trial court and made their statement with regard to compromise effected between the parties. Similarly, the complainant, namely, Surinder Kaur @ Surinder Kumari has also made a statement before the Illaqa Magistrate on 07.04.2015. Statement of the complainant, Surinder Kaur reads as under:-

“Stated that I have filed a complaint against Baldev Singh, Avtar Singh and Baljit Kaur @ Daljit Kaur which is pending in this Court. With the intervention of respectables, I have entered into compromise with the accused party. I have heard the statement of accused persons present in the court today and have no objection if the complaint filed by me be ordered to be quashed. I have been suffering the present statement, without any undue influence, coercion or pressure from any kind.”

Learned State counsel has also admitted the factum of

compromise effected between the parties. After perusing the statements of the parties and the report of Judicial Magistrate, 1st Class, Jalandhar, learned State counsel has submits that he has no objection if the impugned FIR is quashed.

Since the complainant has made a categoric statement that she has entered into a compromise with the accused, the impugned summoning order dated 5.7.2013 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Jalandhar whereby the petitioners have been summoned in a complaint case filed by respondent No.2 tilted as "Surinder Kaur Vs. Baldev Singh and others" deserves to be set aside.

Keeping in view the factum of the compromise effected between the private parties and the law laid down by Full Bench of this Court in the case of Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal), 1052, (P&H), this petition is accepted and the impugned summoning order dated 5.7.2013 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Jalandhar whereby the petitioners have been summoned in a complaint case filed by respondent No.2 tilted as "Surinder Kaur Vs. Baldev Singh and others" is set aside *qua petitioner No.1 and 3 and consequently, the complaint filed by the complainant is quashed.*

[Hari Pal Verma]
Judge

10.08.2015
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