

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

**CRM No. M-11359 of 2016
Date of decision: 08.11.2016**

Tarsem Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. T.P.S. Makkar, Advocate,
for the petitioners.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Sukhbir Singh, Mattewal, Advocate,
for complainant-respondent No.2.

Ritu Bahri, J.

Quashing of Criminal Complaint No.174 dated 09.09.2010, under Sections 323/354/506/34/376/511/120-B (Annexure P-1) pending before the Judicial Magistrate Ist Class, Malout, District Sri Muktsar Sahib and summoning order dated 14.12.2012 (Annexure P-2), is sought on the basis of compromise (Annexure P-4) effected between the parties.

The aforesaid complaint was filed by Rajwant Kaur-respondent No.2 (complainant) alleging that on 06.08.2010, at about 4.00 P.M., when she was coming out from PHC Alamwala, Tarsem Kumar, Maleria Worker (petitioner No.1), pushed her in his car bearing registration No. 0254. Ashwani Kumar Ahuja and Vinod Kumar Rupana (petitioner Nos.2 and 4 respectively) were also present in the car. Thereafter, Tarsem Kumar tried to commit rape upon the complainant and torn her shirt. She took the key of the car and tried to run. However, Dr. Ashwani Kumar and

petitioner No.3, who is wife of Ashwani Kumar, caught hold the complainant from her neck and gave fist blows on her chest. Complainant raised hue and cry, which attracted Punnu Ram, Sheella Bai and Gurnam Singh, Sarpanch, who saved her from the clutches of the accused persons. In this background, the complaint was filed.

Vide order dated 14.12.2012 (Annexure P-2) passed by the trial Court, the accused-petitioners were ordered to be summoned to face trial under Sections 323/354/506/120-B IPC.

Now, with the intervention of respectable persons, the matter has been amicably resolved between the parties vide compromise (Annexure P-4). In this regard, the complainant has given her affidavit dated 22.03.2016 (Annexure P-5).

In compliance with the order dated 11.07.2016 passed by this Court, parties have got recorded their statements before the trial Court. In this regard, a status report has been received from the Judicial Magistrate Ist Class, Malout. As per report, Rajwant Kaur-complainant (respondent No.2) made her statement on 01.08.2016 to the effect that with the intervention of respectable persons, she has compromised the matter with accused-petitioners out of her own free will and without any pressure or coercion. She has no objection, if the aforesaid complaint is quashed. Joint statement of Tarsem Kumar, Ashwani Kumar, Santosh Kumari and Vinod Kumar Rupana-petitioners was also recorded to the same effect. In view of separate statements given by the parties, this court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State**

of Punjab 2008(2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (CrI.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, Criminal Complaint No.174 dated 09.09.2010, under Sections 323/354/506/34/376/511/120-B (Annexure P-1) pending before the Judicial Magistrate Ist Class, Malout, District Sri Muktsar Sahib and summoning order dated 14.12.2012 (Annexure P-2) are quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

08.11.2016

ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No