

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11844-2016

Date of Decision:- 25.07.2016

Rajesh Kumar @ Sanjay and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.S. Derabassi, Advocate, for the petitioners.

Ms. Anmol Grewal, Assistant Advocate General, Punjab.

Mr. Rajesh Kumar, Advocate, for respondent No.2.

RITU BAHRI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C for quashing of complaint No.49 of 2007/2009 dated 23.05.2007 (Annexure P-1) under Sections 354, 355, 452, 506, 509, 148 read with Section 149 IPC and all the subsequent proceedings arising therefrom, on the basis of compromise dated 02.03.2016 (Annexure P-3).

Brief facts of the case are that on 31.03.2007 at about 9.00 PM all the accused persons armed with deadly weapons have trespassed into the house of complainant and used criminal force on the person of Ajmer Singh, Tarsem Singh, Phulawanti, Krina Devi and Punam Devi. They had outraged the modesty of Phulawanti by tearing her clothes and have also threatened the complainant with dire consequence. Thereafter, on a complaint made by complainant Ajmer Singh, all the accused were ordered to be summoned under Section 354, 452, 506, 148 read with Section 149 IPC, vide order dated 04.09.2008.

Learned counsel for the petitioners submits that all the accused

persons have been convicted, vide judgment of conviction and order of

sentence dated 20.03.2014 (Annexure P-1) by the learned Judicial Magistrate 1st Class, Dera Bassi. The appeal against the judgment of conviction is pending consideration before the learned appellate Court. Now, with the intervention of the respectables of society good sense has prevailed and both the parties have compromised the matter, vide compromise dated 02.03.2016 (Annexure P-3).

During the course of preliminary hearing, the appellate Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 02.03.2016 (Annexure P-3), by means of order dated 06.04.2016, by this Court.

In compliance of order dated 06.04.2016 of this Court, the report of Additional District & Sessions Judge, SAS Nagar, Mohali, dated 05.07.2016 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the complaint registered against the petitioners is quashed. Statements of the petitioners and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008(2) RCR (Criminal) 910; Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429** and 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 (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, complaint No.49 of 2007/2009 dated 23.05.2007 (Annexure P-1) under Sections 354, 355, 452, 506, 509, 148 read with Section 149 IPC and all the subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 02.03.2016 (Annexure P-3).

The present petition stands disposed of.

July 25, 2016
naresh.k

(RITU BAHRI)
JUDGE