

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16774 of 2016

.....

Date of decision:5.12.2016

Daljit Singh Khakh and others

.....Petitioners

v.

Ranvir Singh and another

.....Respondents

....

Present: Mr. Parminder Singh, Advocate for the petitioners.

None for the complainant-respondent No.1.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent No.2-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.03/3.1.2009 (Annexure-P.1) titled as “Ranvir Singh Vs. Harjinder Singh alias Beeru and others” filed under Sections 120-B, 148, 307, 326, 325, 324, 323, 149 IPC and Sections 3 and 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act , summoning order dated 20.8.2013 (Annexure-P.2) and all subsequent proceedings arising therefrom on the basis of compromise dated 4.5.2015 (Annexure-P.3) entered into between the parties.

The complaint in the present case has been filed by complainant-Ranvir Singh on the allegations that Daljit Singh Khakh -accused-petitioner is the main activist of the case and all other co-accused are his henchmen. Accused Harjinder Singh is a close relation of accused-

Daljit Singh Khakh. A minor girl, daughter of one Harpal Kaur used to work in the fields of accused Harjinder Singh. She was a scheduled caste and he used to rape her continuously for about three years and ultimately she got recorded an FIR against said Harjinder Singh vide No.456 dated 3.11.2005 for the offences under Sections 376/506 IPC and under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar, Hoshiapur. Since accused was the close relative of Daljit Singh Khakh, the Police did not arrest the accused and pressurized the complainant to get the case compromised as the complainant is also a social worker. But despite his efforts, the parents of the prosecutrix did not agree and accused Daljit Singh Khakh felt that it is the complainant, who did not allow the parents of the prosecutrix to back out from her statement and nursed a grudge to teach him a lesson. Said accused Daljit Singh Khakh falsely involved the complainant in some false cases, the copies of the FIRs were attached with the complaint. Ultimately accused Harjinder Singh was convicted vide judgment dated 25.1.2008 passed by learned Additional Sessions Judge, Hoshiarpur, and thereafter, accused Daljit Singh Khakh left no stone unturned to involve the complainant in one case or the other falsely. All the accused then entered into a criminal conspiracy to eliminate the complainant. Said Daljit Singh Khakh also tortured one Balwinder Kaur of Boothgarh in connivance with accused Saroj Bakla and Balwinder Kaur then had to file a complaint against Daljit Singh Khakh under Sections 342, 347, 365, 366, 506 and 120-B IPC. Ultimately, accused Daljit Singh Khakh conspired with the accused

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to eliminate the complainant and on his instructions/orders, to execute the criminal conspiracy, made an assault on the complainant with their intention to kill him. On 30.6.2006 at about 9.15 p.m., the complainant after closing his shop started for his house on his scooter with one Hans Raj, an aged person after instructions to his brother Dalbir Singh to follow them. When the complainant reached in front of Sidhu Dhaba, three motorcycles came from behind carrying two to three persons each. The lights of road were on and the lights of Sidhu Dhaba were also on at that time. The accused were having tied 'parnas' around their heads and were armed with various weapons. On the first motorcycle, Harjinder Singh-accused started hitting the complainant with his 'Kirpan'. He gave the 'Kirpan' blows on his head above forehead. Harjinder Singh was a pillion rider and the scooter of the complainant was stopped by parking their motorcycle in front of his scooter. The second motorcyclist then hit the scooter with his leg with force, because of which scooter fell down. The complainant and Hans Raj also fell down. Other accused gave blows with 'Kirpans' and with their respective weapons. On their alarm, many people then came out from the Dhaba. The accused also uttered words in the public view by calling his caste. In utter disregard of the human norms. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. It has been mentioned that both the parties have cleared all their grievances between them and the complainant is duly satisfied and in order to keep peace and harmony between both the parties

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and to live peacefully in future the complainant does not want to pursue with this complaint against the accused.

Learned counsel for the petitioners argued that superficial and friendly hand injuries caused by way of fall of motorcycle was given the shape of medical evidence. The perusal of the MLR shows that injury No.1 was incised wound, whereas injuries No.2, 3, 5, 6 and 7 are abrasions.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Chief Judicial Magistrate, Hoshiarpur, has sent his report dated 17.11.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After

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considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and complaint No.03/3.1.2009 (Annexure-P.1) titled as “Ranvir Singh Vs. Harjinder Singh alias Beeru and others” filed under Sections 120-B, 148, 307, 326, 325, 324, 323, 149 IPC and Sections 3 and 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, summoning order dated 20.8.2013 (Annexure-P.2) and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 5, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No