

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

**CRM-M-27165-2016
Date of decision: 18.10.2016**

Jai Pal and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jitender Dhanda, Advocate,
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Gourav Jain, Advocate,
for respondent No.2.

Ritu Bahri, J.

Petitioners are seeking quashing of Complaint No.748-1C dated 24.10.2009, under Sections 323, 452, 354, 506 IPC and Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (Annexure P-1) and judgment/order of conviction and sentence dated 27.11.2014/02.12.2014 (Annexure P-2) on the basis of compromise dated 26.07.2016 (Annexure P-3).

Sajjan Kumar-respondent No.2 (complainant) filed the aforesaid complaint (Annexure P-1) against the accused-petitioners alleging therein that previously, he was working in Haryana Warehousing Corporation, Tohana, where accused-petitioners were also working. They wanted to involve him in the illegal activities. However, on his refusal, they started

harassing him. On 22.09.2008, at about 09.00 P.M., the accused persons

had threatened to give sulfas to him, regarding which, the matter was reported to the police, but no action was taken against them. Again on 17.10.2008, at about 05.00 P.M., all the accused persons, armed with *dandas*, forcibly entered the house of the complainant and started abusing him by his caste. They had manhandled his wife and torn off her clothes. Thereafter, they gave beatings to his wife with *dandas*. When the complainant came forward to rescue his wife, the accused persons started giving beatings to him as well. Thereafter, Kitab Singh and Jiya Lal, son of the complainant, came to the spot and on seeing, then, the assailants ran away from the spot. In this background, the complaint was filed before the Court.

Trial Court, after going through the evidence led by the parties, convicted and sentenced the accused-petitioners under Sections 323, 452, 354, 506 read with Section 149 IPC, vide judgment/order dated 27.11.2014/02.12.2014 (Annexure P-2). This judgment has been challenged by the petitioners by filing an appeal before the Court of Sessions Judge, Fatehabad.

During the pendency of appeal, with the intervention of respectable persons, the matter has now been amicably resolved between the parties vide compromise dated 26.07.2016 (Annexure P-3).

In compliance with the order dated 08.08.2016 passed by this Court, parties got recorded their statements before the trial Court. In this regard, a status report has been received from the Sub Divisional Judicial Magistrate, Tohana. As per report, Sajjan Kumar-complainant (respondent No.2) made his statement on 14.09.2016 to the effect that he has compromised the matter with accused-petitioners as per compromise Ex.C1, voluntarily, without any pressure or coercion. He has no objection, if the

aforesaid complaint is quashed. Joint statement of Jai Pal, Sat Narain, Bhim Singh, Kuldeep and Ram Niwas-petitioners was also recorded to the same effect. In view of the separate statements made by the parties, the 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 case Madan Mohan Abbot Vs. State of Punjab, 2008 (2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in case Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation between the parties.

Accordingly, Complaint No.748-1C dated 24.10.2009, under Sections 323, 452, 354, 506 IPC and Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (Annexure P-1) and judgment/order of conviction and sentence dated 27.11.2014/02.12.2014 (Annexure P-2) are quashed with all consequential proceedings arising therefrom qua the petitioners.

Petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

18.10.2016
ajp

speaking/non-speaking : Yes/No
Reportable : Yes/No