

Crl. Misc. No.M-3594 of 2016

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

Crl. Misc. No.M-3594 of 2016
Date of Decision: 25.05.2016

Paramjit Singh and others

....Petitioners

Versus

Geeta Rani and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Manpreet Singh, Advocate
for the petitioners.

Mr. S.S. Sodhi, Advocate
for respondent No.1.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

Prayer in the present petition is for quashing of Complaint No.0000/118/2014 dated 18.02.2013 registered under Sections 379, 452, 326, 324, 323, 148, 149, 447 and 354 IPC at Police Station Shri Hargobindpur along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties on 23.12.2015.

On the basis of complaint pending before Judicial Magistrate Ist Class, the preliminary evidence was recorded and the case was committed to the Court of Sessions as cross case bearing FIR No.81 dated 24.07.2012 which was registered under Sections 308/452/323/34 IPC

against the complainant party at Police Station Shri Hargobindpur which has arisen out of the same occurrence, pending for trial before the Additional Sessions Judge. Both the cases were clubbed together for final adjudication.

Both the parties have settled their dispute by way of compromise with the intervention of respectables and relatives as they were not interested in continuation of criminal proceedings pending between them. Both the parties are neighbours as they belong to the same village. Co-accused Anil Kumar and his father Hira Lal were not party to the compromise. Anil Kumar was not traceable and he was declared as a proclaimed offender. Hira Lal-father of Anil Kumar stood surety for his son at the time of furnishing bail bonds and the surety amount of ₹ 50,000/- was to be deposited by Hira Lal as accused-Anil Kumar could not be produced before the Court.

The present petition has been filed on behalf of four remaining accused for quashing of said complaint and further proceedings arising therefrom.

Notice of motion in the case was issued on 01.02.2016 and it was ordered to be heard along with ***Criminal Misc. No.M-3551 of 2016***. Thereafter, vide Order dated 18.02.2016, the parties were directed to appear before the trial Court for recording of their statements.

In compliance of said directions, the statements of the parties were recorded and a report, in this regard, has been sent along with statements of the parties, wherein, the factum of compromise has been affirmed. It has been mentioned in the report sent by Additional Sessions Judge, Gurdaspur that the compromise arrived at between the parties is as

per their free will and without any pressure from either side. It has also been mentioned that offence under Sections 452, 326 and 148 IPC are non-compoundable. Complainant-Geeta Rani has stated in her statement that she has no objection in quashing of complaint. There is no other case except the cross-case pending between the parties.

The dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of complaint and other proceedings arising therefrom. The purpose of compromise is to maintain peace and harmony in the relations. No purpose would be served, in case, the proceedings are allowed to be continued in future as the complainant is not going to support the case of the prosecution because of compromise. It would be a futile exercise and will result in wastage of time of the Court.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. Complaint No.0000/118/2014 dated 18.02.2013 registered under Sections 379, 452, 326, 324, 323, 148, 149, 447 and 354 IPC at Police Station Shri Hargobindpur along with all subsequent proceedings arising therefrom qua petitioners-Paramjit Singh, Charanjit, Paramjit Kaur and Bhajani, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE