

Crl. Misc. No. M-38481 of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-38481 of 2015

DATE OF DECISION: 27.05.2016

Baljinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see 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. A.S. Barnala, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 131 dated 16.9.2014 registered under Sections 341,354,506,34 IPC and Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Model Town, Ludhiana, District Ludhiana, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2. During pendency of the proceedings, with the intervention of the respectables as well as members of the Panchayat, the

matter has been compromised between the parties. As per terms and conditions of the compromise, both the parties have decided to sort out their differences and purpose of the compromise is to maintain peace and harmony in the relations.

While issuing notice of motion on 16.11.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The parties did not appear before the trial Court and vide order dated 22.12.2015, one more opportunity was granted to them to appear before the trial Court for recording of their statements. The parties again did not appear before the trial Court and vide order dated 19.2.2016 one more opportunity was granted to them to appear before the trial Court for recording of their statements with regard to compromise subject to deposit of an amount of ₹ 10,000/- as costs before the trial court. The parties appeared before the trial Court and their statements with regard to compromise were recorded, wherein, the factum of compromise has been affirmed by them. It has been mentioned by the petitioner as well as respondent No.2 that the compromise is as per their free will and there was no pressure from either side.

No one has appeared on behalf of respondent No.2 inspite of service.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR, compromise arrived at between the parties and also the statements of the parties recorded in compliance of order dated 19.2.2016 along with the report sent by Additional District and Sessions Judge, Ludhiana.

A perusal of statements of the parties shows that both the

parties have settled their dispute with the intervention of respectables of the society. Certain terms and conditions were settled in the compromise deed, which are reproduced as under:-

“A litigation titled State Vs. Baljinder Singh, u/s 66-A of I.T. Act is pending before the Court of Sh. Mandeep Singh, JMIC, Ludhiana for 22.9.2015 and another litigation titled State Vs. Baljinder Singh, u/s 354,341,506,34 IPC and Section 3 and 4 of SC&ST Act is pending before the Court of Sh. S.S. Bajwa, ASJ, Ludhiana for 15.9.2015. Except these two cases, no another litigation or complaint before any authority between the parties interse is pending. If any litigation or enquiry or complaint is found pending, both the parties undertake to withdraw the same. For that purpose both the parties shall cooperate with each other.

With the intervention of respectables of localities of both the parties and well wishers of both the parties, a compromise has been effected on following terms and conditions:-

1. The firsty party shall withdraw both the cases filed against second party on a term that a quashing petition shall be filed before the Hon'ble Punjab and Haryana High Court at Chandigarh immediately for the quashing of aforesaid FIRs.
2. That party of the 2nd part, has apologized from the first party and undertakes that he shall not do any wrongful act in future against first party and her family members.
3. That all the expenses for quashing of petitions shall be borne by second party. The second party also undertakes to pay

legal fees already spent by the first party for contesting the aforesaid cases.

4. That after the compromise, both the parties shall have no link and concern with each other. Both the parties shall not file any litigation against each other in future.”

The statement made by the complainant before Additional Sessions Judge, Ludhiana is also reproduced as under:-

“I had got registered case FIR No. 131 dated 16.9.2014 under Section 341 IPC and Section 3,4 of SC&ST Act 1989 P.S. Model Town, Ludhiana against accused-Baljinder Singh. We have settled the matter amicably and have entered into compromise with me with the intervention of common friends and relatives. Photo copy of the same is Mark-A. I was not induced, threatened or promised to effect compromise with accused either by him or from anyone from both side. The compromise is executed with our free consent of all with the intervention of the respectables to create peaceful atmosphere in the society. I have no objection if the quashing petition filed by the accused be allowed by the Hon'ble High Court.”

Since the dispute between the parties has been settled by way of compromise; complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the

compromise is to maintain peace and harmony in the relations.

It has also been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007 (3) RCR (Criminal) 1052** that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 131 dated 16.9.2014 registered under Sections 341,354,506,34 IPC and Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Model Town, Ludhiana, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioner, namely, Baljinder Singh, are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE