

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41111 of 2015

.....

Date of decision:21.10.2016

Baldev Singh

.....Petitioner

v.

Karamjit Kaur

.....Respondent

....

Present: Mr. Sham Lal Bhalla, Advocate for the petitioner.

Mr. Manpreet Ghuman, Advocate for the respondent.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of criminal complaint No.57 dated 29.08.2012 (Annexure-P.1) titled as “Karamjit Kaur Vs. Baldev Singh” on the basis of compromise executed between the parties on 13.10.2015 (Annexure-P.2) and all consequential proceedings arising therefrom.

The criminal complaint has been filed by Karamjit Kaur-complainant against Baldev Singh for the offences under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Khamano. The complainant belongs to Ravidasia/Revidasi caste, which is recognized Scheduled Caste and the accused belongs to Jat Sikh family. On 15.6.2012 at about 2.00 p.m., the complainant was present in her house alone, the accused came to her house and asked the complainant to make sexual relation with him and he also said to the complainant that he will give a golden ring of one Tola and if the

complainant needs the money for domestic purpose, he will pay ₹5,000/- and he will also pay the expenses of study of her children. But the complainant objected the accused that she is not ready to make sexual relation with him and is not ready to receive any amount or golden ring and clothes etc. Then the accused lost his temper and started abusing the complainant in filthy language. On 17.6.2012 at about 10.00 a.m., the complainant was standing at Bus Stand Hawara Kalan to go to the Police Station Khamano for lodging the report regarding the above said occurrence, then the accused came at the spot on his motorcycle and requested her not to lodge a report against him. On her refusal, the accused used the words against the caste of the complainant intentionally in order to defame her in the eyes of general public. 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. Respondent No.2 has no objection if the above mentioned criminal complaint is quashed.

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 Sessions Judge, Fatehgarh Sahib, has sent her report dated 18.7.2016 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 counsel for the respondent admits the factum of

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compromise and submits that as the dispute has been settled amicably, she has no objection to the quashing of the criminal complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioner as well as learned counsel for the respondent 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 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 criminal complaint No.57 dated 29.08.2012 (Annexure-P.1) titled as "Karamjit Kaur Vs. Baldev Singh" on the basis of compromise executed between the parties on 13.10.2015 (Annexure-P.2) and all consequential proceedings arising out of the same are hereby quashed.

October 21, 2016.

(Inderjit Singh)
Judge

hsp

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