

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9111 of 2016

Date of Decision: 11.07.2016

Kamaljit Singh and another

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.P.L.Singla, Advocate for the petitioners.

Mr.J.S.Riar, AAG Punjab.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.209 dated 21.12.2015, for the offence under Sections 354A, 509, 34 IPC registered at Police Station Moga City, (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise.

The FIR was registered on the basis of statement made by Dr.Malti Thapar, Ex.Minister Punjab against the accused-petitioners to the effect that she is senior most leader and ex-Minister Congress party and on dated 19.12.2015 at Joginder Singh Chowk Moga City about 1 p.m., a meeting was convened by district president of her party. Darshan Singh Brar and his son Kamaljeet Singh Brar protested against the policies of ruling party and his son Mr.Kamaljeet Singh Brar was acting as a stage secretary in the protest. At that time about 150 workers and leader of the party were present. At that time petitioners and along with 4-5 persons without any reason or provocation abused her. They used such a derogatory and unparliamentary language against her and also gave bad abuses in the name of mother and sisters. Many respectable persons were also present along

with other party workers. She made a request to the local police and requested them to record her statement and register the case but they refused to do so citing it as a internal matter of the party. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioner and respondent No.2-Dr.Malti Thapar, vide compromise deed/Affidavit (Annexure P-2).

In compliance with the order dated 16.05.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the Chief Judicial Magistrate, Moga, has been received in this regard. As per report, Dr.Malti Thapar-complainant and accused-Kamaljit Singh and Darshan Singh Brar, appeared before the Court on 31.05.2016 for getting their statements recorded in support of the compromise. In this regard statement of complainant- Dr.Malti Thapar was recorded to the effect that she has effected compromise with the accused at the intervention of respectables out of her free will, without any coercion, inducement, threat or pressure from any corner and she has no objection if the present FIR is quashed against these accused. Statements of Kamaljeet Singh and Darshan Singh Brar-petitioners were also recorded to the same effect. In view of separate statements of 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 the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **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.

Accordingly, FIR No.209 dated 21.12.2015, for the offence under

is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

11.07.2016
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