

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

CRM-M-37007 of 2014.

Decided on:-10.08.2017.

Narinder Singh and others

.....Petitioner.

Versus

Harwinder Singh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jasjeet S. Dhaliwal, Advocate
for the petitioners.

Mr. M.P. Goswami, Advocate
for the respondent.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of criminal complaint No.165 dated 28.11.2013 under Sections 323, 452, 379, 427, 148 and 149 IPC, Police Station Civil Lines, Batala, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom including the summoning order dated 14.07.2014 passed by learned Judicial Magistrate 1st Class, Batala (Annexure P-3).

At the time when notice of motion was issued by this Court on 30.10.2014, the contention of learned counsel for the petitioners was recorded that filing of the complaint by the respondent-complainant Harwinder Singh was a counter-blast to the FIR No.98 dated 04.07.2006 under Sections 406, 498-A, 506 IPC registered at Police Station Amritsar B Division.

However, the said FIR was quashed on the basis of compromise.

In the criminal complaint in question filed by the respondent, the petitioners

have been summoned to face trial for the offence under Sections 323, 452, 379, 427, 148 and 149 IPC. Petitioner No.6 Manpreet Kaur alias Manjeet Kaur is the wife of respondent-complainant Harwinder Singh.

The dispute being in close relations, this Court, vide order dated January 15, 2016, had referred the matter to the Mediation and Conciliation Centre of this Court for resolution of the dispute and the parties were directed to appear before the said forum on 12.02.2016. Pursuant to the said order, the parties had appeared before the Mediation and Conciliation Centre of this Court. However, vide order dated 22.03.2017, this Court had directed the trial Court to submit report on the basis of compromise effected between the parties.

As per office report, no report from the trial Court has been received. However, at this stage, learned counsel for the petitioners contends that the parties have voluntarily arrived at an amicable solution resolving their disputes and differences with the assistance of the Mediator/Conciliator. He prays for quashing of the complaint along with all consequential proceedings including the impugned summoning order on the basis of compromise effected between the parties on 17.03.2016 before the Mediation and Conciliation Centre of this Court.

Learned counsel for the respondent-complainant, on the other hand, admits the factum of compromise between the parties and states that the respondent-complainant has duly signed the settlement arrived at before the Mediator on 17.03.2016. He further states that the respondent-complainant has no objection in case the criminal complaint in question is quashed and the impugned summoning order is set aside.

I have heard learned counsel for the parties.

Once the parties have compromised the matter before the Mediation and Conciliation Centre of this Court and a report dated 17.03.2016 has been received from the Mediator, no useful purpose would be served to continue with the proceedings before the trial Court in the criminal complaint in question.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition stands allowed.

Resultantly, the impugned summoning order dated 14.07.2014 passed by learned Judicial Magistrate 1st Class, Batala (Annexure P-3) is set aside and the criminal complaint No.165 dated 28.11.2013 under Sections 323, 452, 379, 427, 148 and 149 IPC, Police Station Civil Lines, Batala, District Gurdaspur (Annexure P-2) and all consequential proceedings arising therefrom are quashed on the basis of compromise effected between the parties before the Mediation and Conciliation Centre of this Court.

August 10, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No