

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39949-2016

Date of Decision: 02.05.2017

Chiman Lal and others

.....Petitioners

Vs.

Bhajan @ Harbhajan Singh

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr Rohani Chadha, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the complaint registered against the petitioners, bearing RBT Criminal Complaint No. 25407 of 2013, pending in the Court of Ms. Amandeep Kaur, Judicial Magistrate Ist Class, Amritsar, for the alleged commission of offences punishable under Sections 323/506/148/149 IPC and Section 3(1) (X) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, as well as the summoning order passed therein (order dated 27.01.2016, Annexure P-2), as well as the subsequent proceedings arising therefrom, are sought to be quashed on the basis of a compromise arrived at between the petitioners-accused and the respondent, i.e. the complainant.

Vide an order of this Court dated 09.11.2016, the parties were directed to appear before the learned Chief Judicial Magistrate/Illaq Magistrate, Amritsar, to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order, the report of the learned Judicial

Magistrate Ist Class, Amritsar, dated 07.02.2017, has been sent to this Court, in which

it is stated that the complainant-respondent and the accused-petitioners No. 2 to 4, i.e. Kanta Rani, Rajni and Kamal, have suffered statements to the effect that the matter has been compromised without any fear or pressure on either of them.

Petitioner no. 1, i.e. Chiman Lal is stated to have expired as reported by the learned Judicial Magistrate Ist Class, in proof of which his death certificate was also produced before that Court, showing that he had died on 08.12.2016.

Keeping in view the aforesaid and even though one of the offences of which the petitioners have been accused of committing falls within the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, however, in view the ratio of the law laid down by the Supreme Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, in the opinion of this Court, it would be pointless to continue with criminal proceedings, the parties having fully compromised the matter of their own free will.

Consequently, the petition is allowed and a complaint registered against the petitioners, bearing RBT Criminal Complaint No. 25407 of 2013, pending in the Court of Ms. Amandeep Kaur, Judicial Magistrate Ist Class, Amritsar, alleging therein the commission of offences punishable under Sections 323/506/148/149 IPC and 3(1) (X) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, as well as the summoning order passed therein dated 27.01.2016 (Annexure P-2), as also all subsequent proceedings arising therefrom, are hereby quashed.

May 02, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.