

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-14164-2018

Date of Decision:03.08.2018

Gurpreet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Vivek Goel, Advocate,
for the petitioners.

Mr. Tanvir Joshi, A.A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint case No.155A dated 14.08.2012, titled as Dr. Avtar Singh Versus Dr. Parminder Singh and others” under Sections 3(1)(x) & 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of learned Judge, Special Court, Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.02.2018 (Annexure P-2).

This Court vide order dated 06.04.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Addl. District & Sessions Judge, Faridkot, and got their statements recorded. On the basis of the statements so recorded, learned Judge has submitted report dated 17.05.2018 to the effect that the matter has been amicably settled between the parties without any pressure and the same seems to be genuine.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Dr. Avtar Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Addl. District & Sessions Judge on 11.05.2018. The same is reproduced as under:-

“In this case there are three accused persons namely Dr. Parminder Singh (accused No.1), Gurpreet Singh (accused No.2) and Baljit Singh (accused No.3)

The matter has been amicably settled down.

Compromise in writing Ex.C1 has been effected between me and Gurpreet Singh (accused No.2) and Baljit Singh (accused No.3). After admitting the compromise Ex.C1, I put my signatures on it. I identify my signatures as well as of Gurpreet Singh (accused No.2) and Baljit Singh (accused No.3) and of respectables.

Compromise Ex.C1 was also got attested from Notary Public, Faridkot by us.

Compromise Ex.C1 has been arrived at between parties is out of our free will and without any coercion, threat, pressure, greed or fraud and same is genuine.

In this case no accused persons is absent or has been declared as proclaimed offender.

We both the parties agree with the writ petition filed before Hon'ble High Court. We do not want to further proceed against accused Gurpreet Singh (accused No.2) and Baljit Singh (accused No.3). We have no objection if the complaint case No.155A dated 14.8.2012, titled as Dr.

Avtar Singh Versus Dr. Parminder Singh and others” vide Sections 3(1)(x) and 4 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the proceedings may be quashed against the accused persons namely Gurpreet Singh (accused No.2) and Baljit Singh (accused No.3).”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant complaint.

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 is allowed and complaint case No.155A dated 14.08.2012, titled as Dr. Avtar Singh Versus Dr. Parminder Singh and others” under Sections 3(1)(x) & 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of learned Judge, Special Court, Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioners on the basis of compromise dated 20.02.2018 (Annexure P-2), subject to payment of ₹10,000/- as costs to be deposited within one month with the High Court Lawyers' Welfare Fund, failing which the present petition shall be deemed to have been dismissed.

August 03, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No