

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14387-2018

Date of decision: 01.08.2018

Nirmal Singh and others

..... Petitioners

Versus

Dharm Pal Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Akshit Aggarwal, Advocate for
Mr. Sunny K. Singla, Advocate for the petitioners.

Mr. MS Yadav, Advocate for
Mr. Varinder Singh, Advocate for the respondents.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Complaint No. 43 dated 21.05.2012 (Annexure P-1) filed under Sections 307, 323, 324, 452, 458, 148 and 149 IPC and summoning order dated 31.03.2014 (Annexure P-2) and all subsequent proceedings arising therefrom, on the basis of compromise and affidavit dated 20.03.2018 (Annexure P-3 and P-4, respectively) effected between the parties.

2. Perusal of the summoning order Annexure P-2 shows that petitioners were summoned under Sections 323 and 452 read with Section 34 IPC, only and not under Section 307 IPC.

3. Vide orders dated 06.04.2018, parties were directed to appear before the trial Court/Illaq Magistrate on 16.04.2018, to get their statements recorded for compromise with a direction to the trial Court/Illaq

Magistrate, to furnish a report qua veracity of the compromise.

4. Consequently, parties appeared before the Judicial Magistrate Ist Class, Malerkotla and got recorded their statements qua compromise on 16.04.2018. Report from the Judicial Magistrate Ist Class, Malerkotla, vide letter No. 133 dated 18.04.2018, duly forwarded by learned District and Sessions Judge, Sangrur, vide Endst. No. 2499/EB dated 19.04.2018, has been received. According to the report of the learned Judicial Magistrate Ist Class, Malerkotla, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

5. In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, this petition is allowed and the aforesaid Complaint No. 43 dated 21.05.2012 (Annexure P-1) filed under Sections 307, 323, 324, 452, 458, 148 and 149 IPC and summoning order dated 31.03.2014 (Annexure P-2) and all subsequent proceedings arising therefrom, qua the petitioners is quashed, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Punjab State Legal Services Authority and ₹4,000/- with the Bar Council of Punjab and Haryana, within two weeks from today, failing which this petition shall be deemed to be dismissed.

6. List on 27.08.2018, for production of receipts regarding deposit of costs.

August 01, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No