

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15548-2017 (O&M)

Date of decision: 09.08.2018

Malkiat Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Surinder Garg, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Surinder Gaur, Advocate for respondents No. 2 to 4.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing cross case registered vide DDR No. 33 dated 17.09.2016 (Annexure P-2) registered under Sections 452, 323, 148, 149 and 427 IPC at Police Station Sadar Budhlada, District Mansa, in case FIR No. 43 dated 17.09.2016 (Annexure P-2) registered under Sections 308, 323, 148 and 149 IPC at Police Station Sadar, Budhlada and all subsequent proceedings arising therefrom, on the basis of compromise dated 05.03.2017 (Annexure P-3), effected between the parties.

2. Vide order dated 04.05.2017, the parties were directed to appear before the trial Court/Illaq Magistrate on 30.05.2017, 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.

3. Consequently, parties appeared before the Sub Divisional Judicial Magistrate, Budhlada and got recorded their statements qua compromise on 30.05.2017. Report from the Sub Divisional Judicial Magistrate, Budhlada, vide letter No. 204 dated 19.06.2017, duly forwarded by learned District and Sessions Judge, Mansa, vide letter No. 3086 dated 20.06.2017, has been received. According to the report of the learned Sub Divisional Judicial Magistrate, Budhlada, the compromise arrived at between the parties is genuine, without any pressure or coercion.

4. In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony and peace in relations between the parties, this petition is allowed and the aforesaid, DDR No. 33 dated 17.09.2016 (Annexure P-2) registered under Sections 452, 323, 148, 149 and 427 IPC at Police Station Sadar Budhlada, District Mansa, in case FIR No. 43 dated 17.09.2016 (Annexure P-2) and all subsequent proceedings arising therefrom, qua the petitioners are 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.

5. List on 05.09.2018, for production of receipts regarding deposit of costs.

August 09, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No