

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21423-2018

Date of decision: 24.07.2018

Harwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Siao, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Ms. Suman Nandal, Advocate for respondents No. 2 and 3.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 44 dated 23.06.2013 (Annexure P-1), registered under Sections 447, 511, 427, 506, 148 and 149 IPC at Police Station Maloud, District Ludhiana and all subsequent proceedings arising therefrom, on the basis of compromise dated 11.10.2017 (Annexure P-2) effected between the parties.

2. Vide order dated 21.05.2018, parties were directed to appear before the Illaqa Magistrate/trial Court on 01.06.2018, to get their statements recorded for compromise with a direction to the Illaqa Magistrate/trial Court, to furnish a report qua veracity of the compromise.

3. Consequently, parties appeared before the Sub Divisional Judicial Magistrate, Payal, District Ludhiana and got recorded their statements qua compromise on 01.06.2018. Report from the Sub Divisional

Judicial Magistrate, Payal, vide letter No. 156 dated 02.06.2018, duly

forwarded by learned District and Sessions Judge, Ludhiana vide letter No. 512/EC dated 07.06.2018, has been received. According to the report of the learned Sub Divisional Judicial Magistrate, Payal, compromise effected between the parties is voluntary and without any pressure. It is further reported that there were total five accused, namely; Harwinder Singh, Khushdeep Singh, Sohan Singh @ Jarnail Singh, Harmanjot Singh @ Dammu (petitioners No. 1 to 4 herein) and Hakam Singh. Hakam Singh, aforesaid had died and none of the accused has been declared as proclaimed offender in the present case.

4. 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 FIR No. 44 dated 23.06.2013 (Annexure P-1) 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.

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

July 24, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No