

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23645-2018

Date of decision: 17.09.2018

Sukhwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. MS Bedi, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Gurpreet Singh, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing cross-case recorded vide Diary No. 39(A) dated 15.06.2013 (Annexure P-2) under Sections 323, 324, 148 and 149 IPC [in case FIR No. 74 dated 10.06.2013 (Annexure P-1)] along with Rapat No. 23 dated 23.06.2013 (Annexure P-3) vide which Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, was added and all subsequent proceedings arising therefrom, on the basis of compromise dated 25.05.2018 (Annexure P-4), effected between the parties.

2. Vide orders dated 31.05.2018 and 21.08.2018, the parties were directed to appear before the trial Court/Illaq Magistrate, 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 Additional District and Sessions Judge, Hoshiarpur and got recorded their statements qua compromise on 05.09.2018. Report from the Additional District and Sessions Judge, Hoshiarpur, vide letter No. 601 dated 13.09.2018, duly forwarded by the Incharge District and Sessions Judge, Hoshiarpur, vide letter No. 32597 dated 15.09.2018 has been received. According to the report of the Additional District and Sessions Judge, Hoshiarpur, the parties have compromised the matter amicably with their free will and the compromise is bonafide which is without any undue influence, pressure or inducement.

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, cross-case recorded vide Diary No. 39(A) dated 15.06.2013 (Annexure P-2) under Sections 323, 324, 148 and 149 IPC [in case FIR No. 74 dated 10.06.2013 (Annexure P-1)] along with Rapat No. 23 dated 23.06.2013 (Annexure P-3) vide which Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, was added and all subsequent proceedings arising therefrom and all subsequent proceedings arising therefrom, qua the petitioners are quashed, subject to payment of costs of ₹10,000/-, out of which ₹8,000/- shall be deposited with the following account:-

Account details:-	Chief Minister's Distress Relief Fund.
Account Number :-	67319948232
Bank:-	State Bank of India.
Branch:-	City Branch, Thiruvananthapuram
IFSC:-	SBIN0070028
PAN:-	AAAGD0584M
Account Type:-	Savings
SWIFT Code:	SBININBBT08

and ₹2,000/- with the Bar Association, Punjab and Haryana High Court, Chandigarh, within 10 days from today, failing which this petition shall be deemed to be dismissed.

5. List on 16.10.2018, for production of receipts regarding deposit of costs.

September 17, 2018

(RAMENDRA JAIN)

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JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No