

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.33778 of 2016
Date of Decision: 23.02.2018**

Diwan Chand

..... Petitioner

Versus

Gurdev Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Madan K. Bhandari, Advocate for
Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Ms. Karmanjot Kaur, Advocate for
Mr. Karanjeet S. Brar, Advocate for respondent No.1.

Mr. A.S.Dhaliwal, Deputy Advocate General, Punjab
for respondent No.2.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed for quashing of Complaint (P-1) No.114/2014 dated 21.07.2014, under Sections 323, 324, 506, IPC and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') and the summoning order along with the consequential proceedings arising therefrom on the basis of compromise entered into between the parties.

In terms of order dated 07.10.2016, passed by this Court, the statement of both the parties were recorded and report dated 21.10.2016 has been received from learned Special Judge, Sri Muktsar Sahib, which, *inter alia*, states that although the statements of the parties have been recorded but it could not be said that the compromise is voluntary, without any pressure or coercion, rather it seems that it may be result of black-mailing.

Both the parties are present in Court and duly identified by their respective Counsels and the attention of this Court is drawn to the statement of complainant-Gurdev Singh, recorded before learned Special Judge, Sri Muktsar Sahib on 21.10.2016, which reads as under:-

“ Statement of Gurdev Singh son of Balbir Singh son of Sohan Singh, aged 45 years, resident of village Aspal, Tehsil Malout, District Sri Muktsar Sahib along with Sh. D.S.Uppal Advocate.

On S.A.

Stated that I am resident of above said residence. I have filed present complaint against accused Dewan Chand son of Waryam Ram in which matter has been compromised with the intervention of Panchayat and respectable persons. We are resident of same village. The said compromise is for the benefit of both the parties. Now, I do not have any grudge/complaint with accused Dewan Chand. I do not want to proceed further against accused. I have compromised the matter without any pressure, coercion, under influence and with my sweet will. Kindly the said compromise be accepted and kindly accused be acquitted in view of above said compromise. ”

It is necessary to mention here that on the same date, the statement of petitioner-Dewan Chand was also recorded and he also stated that the matter has been compromised with the intervention of the respectable persons of the Panchayat and the same is without any pressure, coercion or undue influence and with their sweet will.

Even along with the present petition also, the copy of the compromise dated 03.08.2016 has been appended as **Annexure P-2** and the same is duly acknowledged by respondent No.1/complainant, who is present in Court.

There is one important aspect of the matter to be noted that regarding the same very occurrence, an FIR No.34 dated 18.06.2014, Police

Station Kabarwala, District Sri Muktsar Sahib was also registered against the petitioner along with other co-accused and that too has been compromised between the parties, as is clear from Para 5 of the present petition and that is not disputed by the respondents.

Even before this Court also, learned Counsel for the parties are having no objection in case the complaint and summoning order along with consequential proceedings are quashed and set aside.

On a specific query raised to learned State Counsel, he has also stated that he has no objection in case the complaint along with all consequential proceedings are quashed and set aside.

Keeping in view the totality of the circumstances mentioned hereinabove, this Court is convinced that it will be just and appropriate and in the interest of justice as well as of the parties that Complaint No.114/2014 dated 21.07.2014, under Sections 323, 324, 506, IPC and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**Annexure P-1**) and the summoning order along with the consequential proceedings are quashed and set aside. Ordered accordingly.

It is made clear that in the event of any threat by the petitioner or on his behalf, the complainant is at liberty to revive the present petition.

With the above observations, the present petition is disposed off.

February 23, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>