

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35828-2018

Date of decision: 28.09.2018

Shivdev Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Rajeev K. Kapila, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Ms. Suminder Deep Kaur, 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 DDR No.24 dated 30.09.2014 (Annexure P-1) registered under Sections 323, 324, 148, 149 IPC and Section 326 IPC added later on at Police Station Subhanpur, Distt. Kapurthala, registered in main case FIR No.101 dated 29.09.2014, registered under Sections 324, 323, 148 and 149 IPC and Section 326 IPC added later on at Police Station Subhanpur, Distt. Kapurthala, and all subsequent proceedings arising therefrom, on the basis of compromise Annexure P-6, effected between the parties.

2. Vide order dated 20.08.2018, 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 Judicial

Magistrate Ist Class Kapurthala and got recorded their statements qua compromise on 31.08.2018. Report from the Judicial Magistrate Ist Class Kapurthala, vide letter No.1939 dated 10.09.2018, duly forwarded by the District and Sessions Judge, Kapurthala, vide Endst. No.1624 dated 12.09.2018, has been received. According to the report of the Judicial Magistrate Ist Class Kapurthala, the compromise arrived at between the parties seems to be genuine and 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 cross case DDR No.24 dated 30.09.2014 (Annexure P-1) registered under Sections 323, 324, 148, 149 IPC and Section 326 IPC added later on at Police Station Subhanpur, Distt. Kapurthala, registered in main case FIR No.101 dated 29.09.2014, registered under Sections 324, 323, 148 and 149 IPC and Section 326 IPC added later on at Police Station Subhanpur, Distt. Kapurthala and all subsequent proceedings arising therefrom, qua the petitioner are quashed, subject to payment of costs of ₹10,000/-, out of which ₹4,000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh; ₹1,000/- with the Bar Council of Punjab and Haryana and ₹5,000/- with the High Court Legal Services Authority, within a period of two weeks' from today, failing which this petition shall be deemed to be dismissed.

5. List on 31.10.2018, for production of receipts regarding deposit of costs.

September 28, 2018
Anjal

(RAMENDRA JAIN
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No