

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45396-2018

Date of decision: 16.11.2018

Nirmal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Monika Mehta, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Rakesh Kumar, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing cross version DDR No. 043 dated 09.11.2017 (Annexure P-2) registered under Sections 452, 323, 506, 427 read with Section 34 IPC (Section 326 IPC vide DDR/Rapat No. 16 dated 12.11.2017) Police Station Kotwali, District Kapurthala in case FIR No. 334 dated 09.11.2017 under Sections 452, 323, 506, 326 read with Section 34 IPC (Section 326 IPC added later on) Police Station Kotwali, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise Annexure P-3, effected between the parties.

Vide orders dated 12.10.2018, 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.

Consequently, parties appeared before the Judicial Magistrate

Ist Class, Kapurthala and got recorded their statements qua compromise on 31.10.2018. Report from the Judicial Magistrate Ist Class, Kapurthala, vide letter No. 1122 dated 13.11.2018, duly forwarded by the District and Sessions Judge, Ferozepur, vide Endst. No. 2077 dated 13.11.2018, has been received. According to the report of the the Judicial Magistrate Ist Class, Kapurthala, the compromise effected between the parties is without any undue influence, coercion and threat.

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. 043 dated 09.11.2017 (Annexure P-2) registered under Sections 452, 323, 506, 427 read with Section 34 IPC (Section 326 IPC vide DDR/Rapat No. 16 dated 12.11.2017) at Police Station Kotwali, District Kapurthala in case FIR No. 334 dated 09.11.2017, under Sections 452, 323, 506, 326 read with Section 34 IPC (Section 326 IPC added later on), Police Station Kotwali, District Kapurthala and all subsequent proceedings arising therefrom, qua the petitioners are quashed, subject to payment of costs of ₹10,000/-, out of which ₹3,000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh and ₹7,000/- 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.

List on 15.12.2018, for production of receipts regarding deposit of costs.

November 16, 2018

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No