

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49170-2018

Date of decision: 03.12.2018

Balwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. DS Khurana , Advocate for the petitioners.

Mr. Davinder Bir Singh,DAG, Punjab.

Mr. Vipul Babuta, Advocate for respondents No. 2 and 3.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Complaint (COMI No. 545/2013 dated 07.08.2007 (Annexure P-1) titled as “Jagjit Singh Vs. Balwinder Singh and others”, under Sections 326, 323, 324, 452, 506, 511, 341, 342, 148 and 149 IPC; judgment of conviction and order of sentence dated 2.11.2017 (Annexure P-2) rendered by the Judicial Magistrate Ist Class, Fatehgarh Sahib, whereby the petitioners were convicted and sentenced under Sections 323, 326 and 452 read with Section 149 IPC and all subsequent proceedings arising therefrom, on the basis of compromise dated 16.02.2018 (Annexure P-3), effected between the parties.

Vide order dated 02.11.2018, the parties were directed to appear before the trial Court/Illaq Magistrate within two weeks, 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, Fatehgarh Sahib and got recorded their statements qua compromise on 20.11.2018. Report from the Judicial Magistrate Ist Class, Fatehgarh Sahib, vide letter No. 266 dated 30.11.2018, duly forwarded by the District and Sessions Judge, Fatehgarh Sahib, vide letter No. 7379/EB dated 30.11.2018, has been received. According to the report of the Judicial Magistrate Ist Class, Fatehgarh Sahib, the compromise effected between the parties is out of their own free will and volition without any inducement, threat, coercion or undue influence. The same appears to be genuine and voluntary.

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, Complaint (COMI No. 545/2013 dated 07.08.2007 (Annexure P-1) titled as “Jagjit Singh Vs. Balwinder Singh and others”; judgment of conviction and order of sentence dated 2.11.2017 (Annexure P-2) 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 Prime Minister's National Relief Fund, within a period of three weeks' from today, failing which this petition shall be deemed to be dismissed.

List on 18.01.2019, for production of receipts regarding deposit of costs.

December 03, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No