

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49079-2017

Date of decision: 01.11.2018

Tarsem Singh @ Bittu and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Manoj K. Sharma, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Photocopy of relevant receipt with regard to deposit of ₹ 2000/-, pursuant to the order dated 28.09.2018, has been produced in Court today. The same is taken on record. Office to tag the same at the appropriate place.

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 37 dated 18.08.2009 (Annexure P-1) registered under Sections 326, 325, 323, 148 and 149 IPC at Police Station Kotli Surat Malli, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom including the judgment of conviction dated 17.10.2016 (Annexure P-2), on the basis of compromise

dated 15.11.2017 (Annexure P-3), effected between the parties.

Vide orders dated 21.12.2017 and 28.09.2018, the parties were directed to appear before the trial Court on 01.02.2018 to get their statements recorded for compromise with a direction to the trial Court, to furnish a report qua veracity of the compromise.

Consequently, parties appeared before the Judicial Magistrate Ist Class, Batala and got recorded their statements qua compromise on 12.10.2018. Report from the Judicial Magistrate Ist Class, Batala, vide letter No. 766 dated 22.10.2018 duly forwarded by the District and Sessions Judge, Gurdaspur, vide Endst. No. 21031/RKT dated 25.10.2018, has been received. According to the report of the Judicial Magistrate Ist Class, Batala, the compromise effected between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

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, FIR No. 37 dated 18.08.2009 (Annexure P-1) registered under Sections 326, 325, 323, 148 and 149 IPC at Police Station Kotli Surat Malli, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom including the judgment of conviction dated 17.10.2016 (Annexure P-2), qua the petitioners 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.

List on 01.12.2018, for production of receipts regarding deposit of costs.

November 01, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No