

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

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CRM-M No.8880 of 2016

Date of Decision: January 23rd, 2018

Balwinder Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jagjit Gill, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. G.S. Sidhu, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The sole accused Balwinder Singh, who is a petitioner in this case, prays for quashing of a criminal complaint bearing No.423-1 of 2008/12 under Sections 323, 324, 326 read with 34 IPC (Annexure P-1), the summoning order dated 08.05.2013 (Annexure P-2), charge sheet dated 21.01.2016 (Annexure P-3) and judgment/order dated 23.02.2016 (Annexure P-4) passed by the Judicial Magistrate Ist Class, Ellenabad, by which the petitioner has been convicted under Sections 323, 324, 326 IPC, on the basis of compromise dated 04.03.2016.

On 19.05.2016, when the case came up for hearing, this Court had directed the parties to appear before the trial Court in the light of the compromise which was alleged to have been effected between the parties. The trial Court was directed to record the statements of the parties and to submit the report as to its satisfaction with regard to the genuineness of the compromise.

The learned Judicial Magistrate Ist Class, Ellenabad, had in

compliance with the order passed by this Court, submitted his report and has also appended along with the report the statements of the parties.

As per the report of the Judicial Magistrate Ist Class, Ellenabad, it has been stated that with the intervention of Panchayat and respectable persons of the village, compromise has been entered into between them. Both the parties are the residents of same village and to maintain peace and harmony between them, they have entered into a compromise voluntarily and the complainant does not want to pursue the complaint which was filed leading to the conviction of the accused-petitioner herein, appeal against which is pending before the Appellate Court. It has been opined that the compromise arrived at between the parties is genuine, *bona fide*, without any pressure and voluntary.

In view of the above report of the Judicial Magistrate Ist Class, Ellenabad, and also keeping in view the fact that the petitioner and the complainant are co-villagers and with the intervention of respectable persons of the village, have entered into a compromise to end litigation and to maintain peace and harmony in their relations as also in the village at large, especially when the compromise between the parties is voluntary and genuine with a *bona fide* intention, the petition deserves to be allowed.

Keeping in view the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***, the present petition is allowed and complaint bearing No.423-1 of 2008/12 under Sections 323, 324, 326 read with 34

IPC (Annexure P-1) and all consequential proceedings arising therefrom,
are hereby quashed.

January 23rd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No