

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

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CRM-M No.6311 of 2018
Date of Decision: April 24th, 2018

Inderjit Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioners.

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

Mr. A.P. Kaushal, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 16.02.2018, following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of DDR No.36, dated 04.04.2016, registered under Sections 323, 427, 452, 506, 34 of the IPC, at Police Station Meharban, District Ludhiana, (Annexure P-1) on the basis of a compromise dated 20.01.2018 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. Mr.A.P.Kaushal, Advocate, who is present in Court, accepts notice on behalf of respondent No.2 and admits the compromise (Annexure P-2). Counsel for the petitioners undertakes to hand over a copy of the petition to the counsel opposite during the course of the day.

The parties are directed to appear before the Ilqa Magistrate/Trial Court at Ludhiana on 31.03.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Ilaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid? (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

To come up on 24.04.2018.

Copy of this order be sent to Ilaqa Magistrate/Trial Court concerned for information and compliance.”

In pursuance to the said order, parties have appeared before the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Ludhiana, on 19.04.2018. After recording of the statements of the parties, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana, according to which it has been concluded that the parties have compromised the matter out of their free will and without any pressure or fear.

In the light of the compromise having been entered into between the parties and the report of the Judicial Magistrate Ist Class, Ludhiana, counsel for the parties pray that the DDR No.36 dated 04.04.2016 under Sections 323, 427, 452, 506, 34 IPC registered at Police Station Meharban, District Ludhiana and all consequential proceedings arising therefrom at the behest of the complainant be hereby quashed.

In view the fact that the matter has been amicably compromised and it would be in the interest of justice that the dispute is put to an end which would save the valuable time of the Courts and keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and DDR No.36 dated 04.04.2016 under Sections 323, 427, 452, 506, 34 IPC registered at Police Station Meharban, District Ludhiana and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

April 24th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No