

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10779-2019

Date of Decision: 28.05.2019

Dilbagh Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

Mr. Prateek Sodhi, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing of Criminal Complaint No. 153 of 2015, under Section 3(v)(x) of SC and ST (Prevention of Atrocities) Act 1989 and Sections 323,324, 325, 326 and 506 read with Section 34 IPC, titled as “Pritam Singh vs. Jaswant Singh and others” and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) effected in between the parties.

Pursuant to order dated 11.03.2019 of this Court, the parties appeared before the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar, on 26.03.2019 to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, has submitted his report vide letter No. 993 dated 27.03.2019, duly forwarded by the

learned District and Sessions Judge, Amritsar, vide Endst. No. 2775-R dated 29.03.2019.

According to the report, learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, is satisfied that compromise effected between the parties is voluntarily, out of their free will and without any pressure and coercion and the same appears to be the genuine one. It was further reported that petitioner-Dilbagh Singh was declared proclaimed offender, but other accused have already been acquitted by the learned Additional Sessions Judge, Amritsar.

Vide order dated 11.03.2013, the petitioner was directed to deposit ₹10,000/- with the 'Poor Patients' Welfare Fund of Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and ₹5,000/- with "Prabh Aasra". However, inadvertently the petitioner has deposited the whole amount of ₹15,000/- with 'Poor Patients' Welfare Fund of Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. Since, both the institutions are working for welfare of poor people/patients, handicapped children etc., therefore, aforesaid cost of ₹5000/-, so to be deposited with "Prabh Asra" and wrongly deposited with PGIMER, Chandigarh, is treated to have rightly deposited. Original receipt regarding deposit of costs of ₹ 15,000/- has been produced in Court today. The same is taken on record. Be tagged at appropriate place.

Considering the report of Sub Divisional Judicial Magistrate, Baba Bakala Sahib, dated 27.03.2019 and deposit of costs as well as the fact that the compromise will bring peace and harmony in relations

between the parties, aforesaid Criminal Complaint No. 153 of 2015, under Section 3(v)(x) of SC and ST (Prevention of Atrocities) Act 1989 and Sections 323,324, 325, 326 and 506 read with Section 34 IPC, titled as “Pritam Singh vs. Jaswant Singh and others” and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly

May 28, 2019
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(RAMENDRA JAIN)
JUDGE

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