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

CRM-M-16782 of 2019 (O&M)

Date of decision: July 16, 2019

Balbir Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harvinder Singh Maan, Advocate for the petitioners.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. Karunesh Kaushal, Advocate for

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

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed by the petitioners under Section 482 of Code of Criminal Procedure, 1973 for quashing of complaint No.437 of 2018, dated 04.07.2018, Police Station Jodhan, District Ludhiana and summoning order dated 13.10.2018 passed by learned Judicial Magistrate Ist Class, Ludhiana (for short 'JMIC Ludhiana') along with all other consequential proceedings, on the basis of compromise dated 22.02.2019 (P-3).

Brief facts of the case are that on 08.03.2018, a quarrel took place between the complainant and accused persons. The complainant moved a complaint against them before Police Station Jodhan, Ludhiana and police registered Rapat No.10 dated 23.03.2018, under Sections 107, 151 Cr. P.C., which was stated to be pending for adjudication before the Court of SDM (West) Ludhiana. On

02.07.2018, accused persons and the complainant came to the Court of SDM (West) Ludhiana to attend the case proceedings under Sections 107, 151 Cr. P.C. The accused persons, outside the Court premises, hatched a criminal conspiracy and started threatening and abusing the complainant. The complainant saved himself by entering in the Court premises. On the same day, in the evening at about 06:00 P.M., when the complainant was coming from Gurudwara Sahib after paying obeisance, accused-Balbir Singh forcibly stopped him in the street and started abusing. Due to intervention of respectables, complainant left the spot and went to his house. At about 7:00 P.M., again accused persons after hatching a criminal conspiracy forcibly entered in the house of complainant armed with *dangs*, *sotties*. Accused-Kamaljit Singh raised a *lalkara* to teach him a lesson for registering complaint against them. Accused-Balbir Singh gave *dang* blow on his head, but the same hit on his right upper arm and he fell down. Accused-Pargat Singh slapped on his face due to which his turban fell down. Accused-Gurmukh Singh caught hold of him from back side and accused-Ramanjot Kaur pulled his beard. The accused persons damaged his house-hold articles. His wife raised alarm and on hearing the same, Jaswinder Singh and Jiwanjyot Singh came at the spot and rescued the complainant. Thereafter, accused ran away from the spot along with their respective weapons threatening to kill him in case they got another chance.

Heard learned counsel for the parties and perused the paper

book.

On 11.04.2019, while issuing notice of motion the following order was passed by this Court:-

“Contends that the matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr.DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent no.1. Copy of petition be supplied to him during the course of the day.

Mr.G.S.Waraich, Advocate, who is present in the Court, appears and files vakalatnama on behalf of respondent no.2, same is taken on record.

Learned Counsel for the petitioners as well as respondent No. 2 jointly stated that the matter has been compromised between the parties.

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 09.05.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide 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?

(vi). whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 08.07.2019 for further consideration. Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not? Copy of this order be sent

to learned Judicial Officer concerned forthwith for information and strict compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate Ist Class, Ludhiana and submitted a report dated 21.05.2019. The operative part of the same reads as under:-

“Therefore, by considering the statements of the accused Balbir Singh, Kamaljit Kaur, Pargat Singh, Gurmukh Singh, Ramanjot Kaur and complainant Jagtar Singh make out that the parties of the present case have compromised the matter with their free will and without any pressure and influence, so this compromise between the parties appears to be genuine, voluntarily and valid.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Learned State counsel, on instructions from police official present in Court to assist him, has acknowledged the above fact and further stated that State has no objection in case the present complaint as well as all other consequential proceedings are quashed, on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present complaint as well as summoning order are quashed.

Since the injuries are on the non vital part of the body, the matter has been amicably settled with free consent of the parties, in view of above, the offences are entirely personal in nature and do not

affect any public peace and tranquility; and thus, this Court is fully convinced that quashing of complaint as well as summoning order in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Consequently, the present petition is allowed and the aforesaid complaint as well as summoning order along with all consequential proceedings resulting therefrom, are quashed, qua the petitioner.

(MAHABIR SINGH SINDHU)
JUDGE

July 16, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**