

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

CRM-M-24727 of 2019.

Decided on:- September 19, 2019.

Hardev Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- None for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

None for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint/sessions case No.157 dated 12.12.2016 under Sections 452, 447, 323, 354, 295, 511, 148 and 149 IPC and Sections 3(i) to (v), (x), (xi) (xv) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 of Police Station City Tarn Taran, District Tarn Taran pending in the Court of Additional Sessions Judge, Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/agreement (Annexure P-2).

This Court vide order dated May 28, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners-accused as well as respondent No.2-complainant Nishan Singh, respondent No.3-eye witness Manjit Kaur and respondent No.4-injured Kartar Kaur have appeared before learned Additional Sessions Judge, Tarn Taran and got their statements recorded on 24.07.2019. On the basis of the statements so recorded by the parties, learned Additional Sessions Judge has submitted the report dated 26.07.2019 to the effect that the compromise has been effected between the accused and the complainant party voluntarily and without any pressure.

The complaint was filed before learned Additional Sessions Judge, Tarn Taran by respondent No.2-complainant Nishan Singh. Though none has put in appearance on his behalf, but it will not cause any prejudice to him as he has made a specific statement before learned Additional Sessions Judge in support of the compromise. The statement so made by respondent No.2-complainant Nishan Singh before learned Additional Sessions Judge, Tarn Taran on 24.07.2019 reads as under:

“Stated that we have arrived at compromise with the accused persons namely Hardev Singh aged about 67 years son of Surjan Singh, Balwant Singh aged about 75 years son of Surjan Singh, Harjinder Singh aged about 47 years son of Balwant Singh, Raju @ Raj Singh aged about 39 years son of Hardev Singh, Kaka Singh @ Tejinder Singh aged about 45 years son of Balwant Singh, Sukhdev Singh aged about 64 years son of Surjan Singh, Aman Singh @ Amandeep Singh aged about 26 years son of Harjinder Singh all residents of village Bala Chak Tehsil and District Tarn Taran with the intervention of

respectable. We do not want to pursue the present criminal case against the accused persons and in the light of amicable settlement effected between us and the accused, we do not have any objection, if the present complaint is quashed by the Hon'ble Punjab and Haryana High Court at Chandigarh. The settlement effected between us and the accused persons are genuine, voluntarily, without any coercion and out of free will. We have no objection, if the complaint is quashed."

Similar statements have been made respondent No.3-eye witness Manjit Kaur and respondent No.4-injured Kartar Kaur before learned Additional Sessions Judge, Tarn Taran in support of compromise.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant complaint qua the petitioners shall be an abuse of the process of law.

Thus, following 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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the present petition is allowed and the complaint/sessions case No.157 dated 12.12.2016 under Sections 452, 447, 323, 354, 295, 511, 148 and 149 IPC and Sections 3(i) to (v), (x), (xi) (xv) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 of Police Station City Tarn Taran, District Tarn Taran pending in the Court of Additional Sessions Judge, Tarn Taran (Annexure P-1) and all consequential proceedings

arising therefrom are quashed qua the petitioners on the basis of compromise/agreement (Annexure P-2).

September 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No