

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

**(124) CRM-42805-2021 in/and
CRM-M-9029-2019
Date of Decision : December 21, 2021**

Jagjeet Singh Khalsa @ Jagjeet Singh and others .. Petitioners

Versus

Satwant Singh and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Siddharth Gupta, Advocate, for the petitioners.

**Mr. Kanwaljeet Singh, Advocate, for
Ms. Naina Gupta, Advocate, for respondent No.1.**

**Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab,
for respondent No.2-State of Punjab.**

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-42805-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-9029-2019, which now stands adjourned to 10.03.2022.

Notice of the application to the counsel opposite.

Mr. Kanwaljeet Singh, Advocate, who is present in the Court, accepts notice on behalf of respondent No.1 and Mr. Sandeep Singh Deol,

learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.2-State of Punjab and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CRM-M-9029-2019 is preponed from 10.03.2022 to today.

CRM-M-9029-2019

Present petition has been filed under Section 482 Cr.P.C for quashing of complaint No.COMI/76/2015 titled as Satwant Singh versus Jagjeet Singh Khalsa and others filed by respondent No.1 registered under Sections 452, 323, 295-A, 354, 506, 148 and 149 of the IPC, 1860 and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all consequential proceedings arising therefrom on the basis of the compromise, which has been entered into between the parties.

On 27.02.2019, a Coordinate Bench of this Court had passed the following order:-

“Prayer made in this petition is for quashing of complaint No.COMI/76/2015 titled as “Satwant Singh Versus Jagjeet Singh Khalsa and others filed by respondent No.1 under Sections 452, 323, 295-A, 354, 506, 148, 149 of IPC and Sections 3 & 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act'). Challenge has also been laid to the order dated 17.01.2019 vide which petitioners have been summoned for the offences under Sections 452, 323, 295-A, 354, 506, 34 IPC as well as

under Sections 3 & 4 of SC & ST Act, on the basis of compromise dated 11.02.2019.

Notice of motion for 16.05.2019.

At this stage, Ms. Naina Issar Gupta, Advocate, has put in appearance on behalf of respondent No.1 and filed her vakalatnama, which is taken on record. She admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 28.03.2019.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

A report dated 03.07.2019, has come from Sub Divisional Judicial Magistrate, Phul, addressed to the Registrar (General) of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The said report is as under :-

“In compliance of the order dated 27.02.2019 passed by Honourable Punjab & Haryana High Court in Crl. Misc. No. 9029 of 2019 following report is submitted please:

- (i) *That in the complaint titled as Satwant Singh vs. Jagjeet Singh Khalsa @ Jagjeet Singh, Under Section 452/323/295-A/354/506/148/149 IPC & 3,4 SC/ST Act, Jagjeet Singh Khalsa @ Jagjeet Singh, Gurmit Singh, Kaur Singh, Sukhdev Singh, Labh Singh, Kala Singh @ Gurnaib Singh and Sukhraj Singh @ Hargobind Singh @ Raju have been arrayed as accused in the complaint.*
- (ii) *That as per report of Ahlmad, none of the accused is proclaimed offender in the said case.*
- (iii) *That complainant Satwant Singh as well as accused persons namely Jagjeet Singh Khalsa @ Jagjeet Singh, Gurmit Singh, Kaur Singh, Sukhdev Singh, Labh Singh, Kala Singh @ Gurnaib Singh and Sukhraj Singh @ Hargobind Singh @ Raju have appeared before the court of Sh. Sukhwinder Singh, Ld. SDJM (Predecessor of the undersigned on 28.03.2019)*
- (iv) *That complainant Satwant Singh has suffered a statement that the present complaint was filed by him and now with the intervention of Panchayat & other respectables, he has compromised the matter with the accused persons and compromise is effected with free will and without any pressure or coercion. He has further stated that the compromise be accepted.*
- (v) *That statements of accused persons namely Jagjeet Singh Khalsa @ Jagjeet Singh, Gurmit Singh, Kaur Singh, Sukhdev Singh, Labh Singh, Kala Singh @ Gurnaib Singh and Sukhraj Singh @ Hargobind Singh @ Raju were also recorded, wherein they stated that with the intervention of Panchayat & other respectables, they have compromised the matter with the complainant with free will and without any pressure or coercion. They have also stated that their compromise be accepted.*

The above mentioned statements of parties have

been recorded in presence of respective counsels. This court is fully satisfied that compromise between the parties has been effected voluntarily and without any pressure, threat or coercion. The original statements are annexed herewith for kind perusal and necessary action, please.

Report is hereby submitted please”

Learned counsel for the petitioners submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the complaint No.COMI/76/2015 alive.

Learned counsel for respondent No. 1 admits the compromise as well as the statements made before the Sub Divisional Judicial Magistrate, Phul and does not raise any objection, in case the complaint No.COMI/76/2015 in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the complaint No.COMI/76/2015 on the basis of the compromise.

Keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in Crm. Appeal No.1393 of 2011 titled as **Ramavtar vs. State of Madhya Pradesh** decided on 25.10.2021, the allegations, due to which, sections under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are private in nature, the same can also be quashed on the basis of compromise. Thus, the present is a fit case to exercise the said jurisdiction by this Court.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the

accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the complaint No.COMI/76/2015 on the basis of the compromise.

Thus, complaint No.COMI/76/2015 titled as Satwant Singh versus Jagjeet Singh Khalsa and others filed by respondent No.1 registered under Sections 452, 323, 295-A, 354, 506, 148 and 149 of the IPC, 1860 and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the complaint No.COMI/76/2015, will be subject to the payment of Rs.15,000/- as cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

December 21, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes
Whether reportable : No