

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(233)

CRM No. M-870 of 2021

Date of Decision : 17.11.2021

Kuldeep Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Prince Sharma, Advocate for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Satnam Singh, Advocate for respondents No. 2 to 5.

Harsimran Singh Sethi J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of DDR No. 24 dated 27.04.2020, registered under Sections 452, 326, 324, 323, 506, 148, 149 IPC and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 arisen out of cross case version of FIR No. 72 dated 14.03.2020, registered under Sections 323, 341, 307, 506, 148, 149 IPC at Police Station P.S. Sadar Tarn Taran, District Tarn Taran and all consequential proceedings arising therefrom on the basis of the compromise, which has been entered into between the parties.

On 25.02.2021, a Coordinate Bench of this Court had passed the following order:-

“This is an application under Section 482 Cr.PC for

preponing the date of hearing from 27.04.2021 to an early date of hearing.

After hearing learned counsel for the petitioners and perusing the paper book, same is allowed and the main case is taken up for hearing today itself.

Main case

Mr. Sunil Kumar, Advocate, has put in an appearance on behalf of respondents No.2 to 5 and admits the factum of compromise between the parties in DDR No.24 dated 24.04.2020 registered under Sections 452, 326, 324, 323, 506, 148, 149 IPC and Section 3(i)(r)(s) of SC/ST Act registered at Police Station Sadar Tarn Taran, District Tarn Taran. He undertakes to file his power of attorney in the Registry during the course of the day.

Adjourned to 27.04.2021.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 25.03.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i) The name of the complainant and all accused arrayed in the DDR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

A report dated 01.04.2021, has come from Additional Sessions Judge, Tarn Taran, 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 relevant part of the said report is as under :-

“Vide order dated 25.02.2021 in CRM No. 2357 of 2021 in CRM No. M-870 of 2021, Hon'ble Justice Manjari Nehru Kaul, Judge of Hon'ble Punjab and Haryana High Court had pleased to direct this Court for recording the statements of concerned parties in regard to compromise.

Thereafter, statement of complainant Kuldeep Kaur, Satnam Singh, Akashdeep Singh and Balwinder Kaur and accused Kuldeep Singh, Geja @ Angrej Singh, Sony @ Kawaljit Singh, Sukhwant Singh @ Sukho and Onkar Singh were recorded to the effect that with the intervention of respectables a compromise has been effected between them. The complainant further stated that she has no objection, if the complaint against the above said accused person/petitioner may be quashed. Both the parties were identified their counsel.

It is pertinent to mention here that in the present case challan has not been filed by the police authority till today and remand paper was ordered to be sine die.

From the statements of the accused, complainant, it appears that compromise has been effected between the accused and the complainant party voluntarily and without any pressure. It is further submitted that Five person arrayed as accused in the present case and out of which no one is proclaimed offender. As such, copy of statements of the

parties, alongwith report is hereby submitted for your kind perusal 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 DDR alive.

Learned counsel for respondent Nos. 2 to 5 admits the compromise as well as the statements made before the Additional Sessions Judge, Tarn Taran and does not raise any objection, in case the DDR 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 DDR on the basis of the compromise.

With regard to the allegations alleged in the DDR qua the violation of Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, nothing has been mentioned as to how the provisions of the same have been violated. The only allegation is that the private respondents were abused by saying certain words which were offensive but without specifying as to in presence of whom, the same was done so as to violate Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. No material has been produced before this Court that any material has come on record to prove the said allegations. 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 DDR on the basis of the compromise.

Thus, DDR No. 24 dated 27.04.2020, registered under Sections 452, 326, 324, 323, 506, 148, 149 IPC and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Tarn Taran, District Tarn Taran 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 DDR, 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.

November 17, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No