

CRM-M-41873-2018
Date of decision 06.09.2022

GURBACHAN SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anantdeep Singh Sandhu, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Akhil Kashyap, Advocate
for the respondents No. 4 and 5.

SANDEEP MOUDGIL, J (Oral):

The instant petition under Section 482 Cr.P.C. seeks quashing of Calandra bearing DDR No. 9 dated 06.05.2018 under Section 182 IPC Police Station Kot Isse Khan, Distt. Moga (Annexure P-2) alongwith all subsequent proceedings, arising therefrom on the basis of Panchayati compromise dated 18.08.2018 (Annexure P-3).

Learned counsel for the petitioners contends that the matter was settled by the Panchayti compromise dated 18.08.2018 (Annexure P-3).

Grounds of which reads as under:-

"1. Gurpreet Singh son of Gurbachan Singh son of Jagir Singh will withdraw the case which he has filed in the court against Nishan Singh son of Dalip Singh and will not file any case in future because after his divorce with Lakhvir Kaur daughter of Nishan Singh nothing is left in between them.

2. Gurbachan Singh son of Jagir Singh will withdraw the case filed against Nishan Singh son of Dalip Singh and will not file any case in future.

3. That Lakhvir Kaur daughter of Nishan Singh will not file any case in the court as divorce has taken place between her and Gurpreet Singh son of Gurbachan Singh and nothing is due against each other.

4. That Nishan Singh son of Dalip Singh will withdraw the cases filed against Jaspreet Singh, Gurbachan Singh, Gurpreet Singh, Balwinder Kaur and will not file any case in future.

5. That the report which is against Jaspreet Singh son of Gurbachan Singh will be withdrawn by Nishan Singh.

6. That one cheque Book of Punjab and Sind Bank in the name of Gurpreet Singh son of Gurbachan Singh has been lost and same is not in the possession of both the parties. If any party finds the cheque book then that party will not misuse it.

7. That Gurbachan Singh son of Jagir Singh and Nishan Singh son of Dalip Singh will be bound to get the statements of Gurpreet Singh and Lakhvir Kaur recorded in reference to the compromise.

The Panchayat has got the matter compromised between both the parties without any transaction

*and both the parties have agreed to the same.
Both the parties are bound to withdraw the
cases and will not file any case in future with the
police or court. If any party resile from the
compromise then that party will be bound to pay
Rs. 2,50,0000/- as compensation to the other
party. Dated: 18.8.2018.”*

It is also asserted that the marriage between the petitioner No. 1 and respondent No. 5 stands dissolved which is not disputed by the counsel appearing on behalf of respondent No.5.

Learned counsel for the petitioners further places reliance upon the judgment of the Supreme Court in the matter of ***Daulat Ram Vs. State of Punjab, AIR 1962 (Supreme Court) 1206***, wherein the appeal filed by the appellant was allowed and conviction of the appellant was set aside holding that the Calandra was not signed by the competent authority.

As the matter has been settled between the parties, therefore this Court has no hesitation in disposing the present petition.

In view of the compromise dated 18.08.2018 (Annexure P-3), the Calandra bearing DDR No. 9 dated 06.05.2018 (Annexure P-2) alongwith all subsequent proceedings arising therefrom, is hereby quashed.

Disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

06.09.2022
monika

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