

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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(1)

CRM-M-15057-2023

Date of decision: 29.05.2023

Brij Mohan and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

(2)

CRM-M-15436-2023

Date of decision: 29.05.2023

Gurminder Pal Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Malika Sobti, Advocate for
Mr. Rakesh Sobti, Advocate
for the petitioners in CRM-M-15057-2023.

Ms. Mehak Bedi, Advocate for
Mr. Vivek K. Thakur, Advocate
for the petitioners in CRM-M-15436-2023.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab
for respondent No.1-State in both cases.

Mr. Narinder Pal Sharma, Advocate
for respondent No.2 in CRM-M-15057-2023.

Ms. Vaishali Thakur, Advocate
for respondent No.2 in CRM-M-15436-2023.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking quashing of complaint dated 04.09.2018 registered vide SC No.179 of 2021, under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') and Sections 323, 342, 365, 511 & 120-B of the IPC, at Police Station City Kapurthala, District Kapurthala

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and the impugned order dated 19.10.2022, whereby the petitioners have been summoned to face trial, along with all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

2. Vide order dated 28.03.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate on 28.04.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Additional District & Sessions Judge, Kapurthala, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection in setting the accused free from the proceedings in the present case.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the complaint in question.

6. In view of the report of the learned Additional District & Sessions Judge, Kapurthala and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal)*

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1052, the instant petitions are allowed. The aforesaid complaint and all consequential proceedings arising out of it along with summoning order dated 19.10.2022, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

29.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No