

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35050-2021

Date of decision:-25.08.2023

Ashok Jaidka and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.N.S. Dhillon, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.H.S. Aujla, Advocate for
Mr.G.S. Dhaliwal, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.251 dated 24.07.2018, under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the SC/ST Act") and Section 30 of Arms Act, 1959, registered at Police Station Shimapuri, District Ludhiana, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.08.2021 Annexure P3, arrived at between the parties.

2. Counsel for the petitioners submits that the dispute is purely a private one, which has been amicably settled between the parties and

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cross FIR No.69 dated 13.04.2017, Annexure P2, lodged against the private respondent and her family members, has been quashed on the basis of the compromise by this Court by order dated 30.11.2021 passed in CRM-M-34849-2021 titled as “**Pritam Singh and others Versus State of Punjab and another**”. He urges that the petitioners have been embroiled in the case on the basis of false allegations on the recommendations of the National Commission for Schedule Castes.

3. Counsel appearing for the respondent No.2/complainant admits the factum of compromise and does not have any objection in case the criminal proceedings are quashed.

4. Heard counsel for the parties.

5. Pursuant to order dated 31.08.2021 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1. There are total 07 accused in this case namely Ashok Jaidka, Rama Jaidka, Vivek Jaidla, Anu Bedi, Vishal Jaidka, Harnek Singh and Amarjit Kaur.

2. None of the accused is proclaimed offender.

3. Above accused, except accused Anu Bedi and complainant Navpreet Kaur have made their statements voluntarily and without any pressure.

4. From the above statements this Court is of the considered view that the compromise dated 07.08.2021 Ex.PA effected between the parties is genuine, voluntary and without any coercion or undue influence.”

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6. In view of this development, report of the Trial Court and judgments of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543, Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322* and *Ramawatar Versus State of Madhya Pradesh 2021(4)RCR(Criminal)555*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.251 dated 24.07.2018, under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 30 of Arms Act, 1959, registered at Police Station Shimapuri, District Ludhiana, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

25.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No