

Ramesh and Others Vs. Suraj Bhan

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Court : Punjab and Haryana

Decided On : Aug-20-2013

Appellant : Ramesh and Others

Respondent : Suraj Bhan

Judgement :

CRM not M-22640 of 2012 (O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH (229) CRM not M-22640 of 2012 (O&M) Date of decision:20.08.2013.

Ramesh and othersPetitioners Versus Suraj BhanRespondent CORAM: HON'BLE MRS.JUSTICE SABINA Present: Mr.R.D.Yadav, Advocate for the petitioneRs.Mr.Gobind Dhanda, Advocate for the respondent.

**** SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of Complaint No.20 RBT dated 12.04.2006 (Annexure P-4) and summoning order dated 22.05.2012 (Annexure P-5).Learned counsel for the petitioners has submitted that with regard to the occurrence in question dated 09.01.2006, petitioners had lodged FIR No.30 dated 23.02.2006 under Sections 323, 325 and 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Bawal against respondent and otheRs.With regard to the said occurrence, respondent had filed a complaint against the petitioners and otheRs.A

compromise (Annexure P-2) was effected Sandeep Sethi 2013.08.22 17:31 I attest to the accuracy and integrity of this document CRM not M-22640 of 2012 (O&M) - 2- between the parties qua the occurrence in question.

At the time of execution of the compromise, petitioners were not aware of the fact that respondent had filed a private complaint against them Petitioners came to knot about the pendency of the complaint after the summoning order (Annexure P-5) was passed on 22.05.2012.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that no compromise was effected between the parties qua the complaint in question.

Hence, criminal proceedings against the petitioners as well as other co-accused were liable to continue.

In the present case, admittedly, the occurrence in question is dated 09.01.2006.

Qua the said occurrence, FIR No.30 dated 23.02.2006 under Sections 323, 325 and 34 IPC at Police Station Bawal (Annexure P-1) was registered against the respondent and others at the instance of Nathu Ram.

During the pendency of the said trial, parties arrived at a compromise on 15.05.2009.

The said compromise (Annexure P-2) reads as under:- The above said case is pending in the Hon'ble Court for adjudication and fixed for today.

In the above said case matter has been compromised between the parties due to intervention of respectable and relatives and parties belongs to one family and some village and due to this compromise, our relation will be cordial in future and litigation will be finished and parties can save their time and money in Sandeep Sethi 2013.08.22 17:31 I attest to the accuracy and integrity of this document CRM not M-22640 of 2012 (O&M) -3- future.

not we have no grudges against each other.

Compromise is for benefit of both the parties.

It is, therefore, respectfully prayed that compromise may kindly be accepted and above said case may kindly be disposed of in view of compromise.

We shall highly obliged.

The said compromise is duly signed by the respondent.

On the basis of the compromise effected between the parties, the Trial Court acquitted the respondent and other Co. accused vide order dated 23.05.2009.

The said order (Annexure P- 3) reads as under:- The complainant Nathu Ram and Pappi and all the accused Surajbhan, Savitri, Naresh & Suresh have made a statement that a compromise have been entered between both the parties.

Therefore, the accused be acquitted.

A written compromise as Ex.

C1 is also placed on record.

They prayed that the offences may be allowed to be compounded and the accused be acquitted.

Heard.

The offence under Section 323 of IPC is compoundable by the parties whereas the offence under Section 325 of IPC is compoundable only with the permission of the court.

In view of the statements made by the complainant and the accused and in view of the compromise as Ex.

C1 and taking into consideration the fact that the parties are members of the same family and Sandeep Sethi 2013.08.22 17:31 I attest to the accuracy and integrity of this document CRM not M-22640 of 2012 (O&M) -4- if the offences are allowed to be compounded, it will bring harmony and accord between the parties, the

offences against the accused are allowed to be compounded.

The accused are acquitted and exonerated of the charges levelled against them.

Their bail bonds and surety bonds stand discharged.

File be consigned to the record room after due compliance.

Cross-version by way of the complaint in question was filed by the respondent on 12.04.2006.

It appears that the respondent did not disclose to the petitioners and their co-accused qua the filing of the complaint in question by him.

Complainant in view of the compromise effected between the parties earned his acquittal from the Trial Court on the basis of compromise (Annexure P-3) but continued pursuing his complaint (Annexure P-4). In pursuance to the preliminary evidence led by the respondent, Trial Court has ordered the summoning of the petitioners and their Co. accused vide impugned order dated 22.05.2012.

In the facts and circumstances of the present case, continuation of criminal proceedings on the basis of complaint (Annexure P-4) against the petitioners and their co-accused would be nothing but abuse of process of law, as the complainant had amicably settled the dispute qua the occurrence in question.

Complainant has earned his acquittal in the case registered against him at the instance of Nathu Ram.

However, complainant wants to continue with the cross-version set up by him vide the complaint in Sandeep Sethi 2013.08.22 17:31 I attest to the accuracy and integrity of this document CRM not M-22640 of 2012 (O&M) -5- question (Annexure P-4). Accordingly, this petition is allowed.

Complaint No.20 RBT dated 12.04.2006 (Annexure P-4) as well as the summoning order passed in pursuance thereto (Annexure P-5) dated 22.05.2012 and all the subsequent proceedings arising therefrom are quashed.

(SABINA) JUDGE August 20, 2013.

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