

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10423-2015

Date of Decision: December 19, 2015

Jaswinder Singh @ Nona and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Amandeep Jawandha, Advocate,
for Mr. K.K. Goel, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

None for respondent No. 2.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by Jaswinder Singh @ Nona, Kedar Singh and Amlok Singh, for quashing of FIR No. 127, dated 5.9.2013 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Sahnewal, District Ludhiana, and all the consequential proceedings arising

therefrom, on the basis of compromise (Annexure P-2) and affidavit (Annexure P-3).

Vide order dated 1.4.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/Trial Court, for getting their respective statements recorded with regard to the compromise dated 3.4.2015. The said Court was also directed to submit a report in that regard.

In compliance of the above, all the three petitioners as well as respondent No. 2/injured/informant, Karanvir Singh, did appear before learned Judicial Magistrate First Class, Ludhiana, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/injured/informant, Karanvir Singh, suffered the following statement:-

“ Stated that I have got registered FIR No. 127 dated 5.9.2013 under Section 323, 324, 34 IPC, P.S. Sahnewal, Ludhiana, against accused, namely, Jaswinder Singh @ Nona son of Sh. Kedar Singh, Kedar Singh son of Karam Chand and Amolak Singh son of Karam Chand, all residents of village Kohara, Tehsil & P.S. Sahnewal, Ludhiana. Now I have compromised the matter with the accused persons with my own free will and without being any pressure from any side in the above said case and I have made this statement voluntarily. Photostate

compromise is Ex. P1. I have no objection, if the accused are acquitted and FIR above mentioned against the accused is quashed.”

The petitioners suffered a joint statement, admitting the factum of the compromise, which is as follows:

“ Stated that we have heard the statement of the complainant which is correct. We have compromised the matter with the complainant Karanvir Singh in the above said case. Copy of compromise is Ex. P1. Now there is no dispute between us and complainant. FIR against us may please be quashed and we may please be acquitted from all charges.”

The operative part of the report received from learned Judicial Magistrate First Class, Ludhiana, is as under:-

“ The parties in my opinion have compromised the matter without any pressure, undue influence, fraud or coercion. This Court has satisfied about the genuineness as well as validity of the compromise effected by the parties. Copy of compromise Ex. P1 alongwith statements of complainant and accused are enclosed herewith for ready reference. The requisite information is also as under:

*1 Number of the persons arrayed as accused : 3
in FIR*

2 *Whether any accused is proclaimed :No offender*

3 *Whether the compromise is genuine, :Yes voluntary and without any coercion or undue influence.*

4 *Whether the settlement between the :No.” parties has any adverse affect upon any third party.*

Learned counsel for the petitioners submits that on account of election of a cooperative society, quarrel had originated in which respondent No. 2, Karanvir Singh, received simple injuries. Due to intervention of the respectable and elderly people of the society both the private factions have resolved their dispute and effected a compromise (Annexure P2). The parties did appear before learned Court below and got recorded their statements admitting the factum of the compromise. The injuries of respondent No. 2 have healed and he is leading a normal life. He further submits that in view of the factum of compromise and the ratio of the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, pendency of the impugned FIR

and the consequential proceedings emanating therefrom, would be sheer abuse of the process of law.

Learned counsel for the State on instructions from ASI Gurbakshish Singh of Police Station, Sahnewal, District Ludhiana, after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that on account of election of the cooperative society, quarrel had originated in which respondent No. 2 had received simple injuries. Due to intervention of the elderly people of the society, both the private factions have resolved their dispute and effected a compromise and, as such, pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/injured/informant has genuinely effected a

compromise with the petitioners and he has no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 127, dated 5.9.2013 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Sahnewal, District Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 19, 2015
Pkapoor