

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10567-2015

Date of Decision: October 12, 2015

Arjan Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rajbir Singh, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. Kulwinder Singh, Advocate,
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 Arjan Singh son of Gurjeet Singh, and Gurjeet Singh son of Harbhajan Singh, both residents of VPO Tangra, Tehsil Baba Bakala, Police Station, Tarsikka, District Amritsar, for quashing of FIR No. 103, dated 30.12.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 452 read with Section 34, IPC, registered at Police Station, Tarsikka, District Amritsar, and

all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide orders dated 15.5.2015 and 30.7.2015, this Court had directed the affected parties to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise and the said Court was directed to submit a detailed report in that regard.

In compliance of the above, both the petitioners, Arjan Singh and Gurjeet Singh; respondent No. 2/informant-injured, Yadwinder Singh; as well as two other injured, namely, Swinder Kaur and Varinder Kaur, did appear before learned Judicial Magistrate First Class, Baba Bakala Sahib, and got recorded their respective statements with regard to the compromise. Copies of the statements of the affected parties and the report has been received from the learned Court below. Respondent No. 2/informant-injured, Yadwinder Singh, suffered the following statement:-

“Stated that on my statement, an FIR No. 103 dated 30.12.2014 under Sections 326/323/324/452/34 IPC, P.S. Tarsika was registered against the accused persons namely Arjan Singh S/o Gurjeet Singh and Gurjeet Singh S/o Harbhajan Singh, both residents of VPO Tangra, Tehsil Baba Bakala Sahib, (P.S. Tarsika) Distt. Amritsar. With the intervension of the respectables, I have compromised the

matter with the accused persons with my free will, without any pressure and without any threat. I have no objection if the FIR No. 103 dated 30.12.2014 U/S 326/323/324/452/34 IPC, P.S. Tarsika is quashed. I submit herewith the Photo copy of my Aadhaar Card as my identification proof which is Mark-A."

Similar statements were suffered by Swinder Kaur and Varinder Kaur. The petitioners also suffered their statements admitting the factum of the compromise. The report received from learned Court below would also reveal that the compromise effected between the private parties was voluntary one. No accused is a proclaimed offender.

Learned counsel for respondent No. 2/informant-injured very fairly concedes that due to intervention of the respectable and elderly people of the society, the matter has been sorted out and all the three injured have resolved their dispute with the petitioners and, as such, he has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

Learned counsel for the State on instructions from HC Tejinder Singh of Police Station, Tarsikka, District Amritsar, has also admitted the factum of the compromise and has no objection if the impugned FIR and the consequential proceedings arising therefrom are quashed on the basis of the compromise.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

On account of trivial issues a quarrel had taken place in which Yadwinder Singh, Swinder Kaur and Varinder Kaur had received injuries at the hands of the petitioners. Due to intervention of respectable and elderly people of the society, the dispute has been resolved and a compromise (Annexure P-2) has been effected between both the private factions. All the three injured persons did appear before learned Court below and got recorded their respective statements admitting the factum of the compromise. The report received from learned Court below also reveals execution of the compromise between private parties and the same is without any pressure. Learned counsel for the State as well as counsel representing the aggrieved persons, have admitted the compromise. In view of above, pendency of the impugned FIR and the consequential proceedings emanating therefrom would be sheer abuse of the process of law since the chances of ultimate conviction and sentence of the petitioners are bleak.

Keeping in view totality of the facts and circumstances of the case and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench

judgment of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, the present petition is allowed and FIR No. 103, dated 30.12.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 452 read with Section 34, IPC, registered at Police Station, Tarsikka, District Amritsar, and the consequential proceedings arising therefrom are hereby quashed.

October 12, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE