

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-10838 of 2015

Date of Decision: 27.5.2015

Sohan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Gurjinder Singh Thind, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Sarabjit Singh, Advocate
for respondents No.2 & 3.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 146 dated 28.6.2010, registered under Sections 279, 337, 338 & 427 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Shahkot, District Jalandhar and all the subsequent proceedings on the basis of the compromise.

2. Vide order dated 6.4.2015 a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate Ist Class, Nakodar through the learned District & Sessions Judge, Jalandhar along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“On 22.04.2015 complainant, injured and accused appeared in this Court for getting their statements recorded. Complainant Gurmail Singh son of Gurdial Singh resident of Village Malliwal, District Jalandhar got recorded his statement to the effect that he has effected a compromise with the accused person namely Sohan Singh with the intervention of respectables. He has further stated that he has given his statement without any pressure and coercion and now he does not want to proceed against the accused person. He has also stated that this compromise has been arrived in between us to maintain peace, harmony and brotherhood between us and locality. Finally, he stated that he has no objection, if the present FIR bearing No. 146 dated 28.06.2010, U/s: 337/338/279/427 of IPC, P.S.Shahkot, is quashed against the accused person. Baljit Singh son of Pavittar Singh resident of Bara Jagir, P.S. Lohian, District Jalandhar, who is injured in this case has reiterated the version of complainant Gurmail Singh above said.

3. *Statements of accused person namely Sohan Singh son of Gurbaksh Singh, resident of Bahadurpur Fakira*

(Chhanna Ke), District Patiala has also been recorded. He stated that he has entered into a compromise with the complainant as well as injured of this case, with the intervention of respectables. He further submitted that he has settled all the matters with the complainant and injured and now they want to live a peaceful atmosphere. He has give his statement without any pressure and coercion. He also stated that this compromise has been arrived in between them to maintain peace, harmony and brotherhood between them and locality. Finally he prayed for quashing the FIR in question above said.

4. *From the statements of the parties it is clear on record that the complainant as well as injured have voluntarily entered into a compromise with accused person, with the intervention of the respectables and relatives and said compromise is seems to be genuine, without any coercion or undue influence. Perusal of file shows that only Sohan Singh has been arrayed as accused in the present case and he is facing the trial in this case. Further after going through the record as well as statements of the parties recorded today, it appears that there is no adverse affect upon any third party as per settlement between the parties. Parties have also placed on record photocopy of their identity card to establish their identity. Thus, report is accordingly submitted to the effect that parties have voluntarily entered into compromise and the*

same is genuine one.”

4. Learned counsel for the petitioner contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioner has been indicted as accused for the offences punishable under Sections 279, 337, 338 & 427 IPC on the allegations that on 19.6.2010 at about 8.00 A.M., when the complainant was going to Malsian from his village on cycle and reached near Thind Palace Malsian, one scooter bearing registration No. PB-08-S-7857 being driven by Baljit Singh crossed him. Then a Skoda car bearing registration No. PB-02-BA-6341 came from the front side and hit that

scooter, upon which the rider of the scooter fell down. After hitting the said scooter, the car also hit the cycle of the complainant, due to which he also fell down and suffered multiple injuries. Due to that accident, the bone of his nose was fractured. Baljit Singh also suffered multiple injuries. Thereafter, both the complainant and Baljit Singh were taken to the APS Hospital, Malsian by Jasvir Kumar and relatives of Baljit Singh for treatment. However, in that process, the driver of the car fled away from the spot after leaving his car. The complainant further stated that the accident had been caused due to rash and negligent driving of the car by its driver.

7. From the statements of the complainant and injured Baljit Singh as well as of the petitioner recorded by the learned Judicial Magistrate and her report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise.

8. Taking into consideration these facts, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law. The photocopy of the compromise deed has already been placed on record as Annexure P2.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 146 dated 28.6.2010, registered under Sections 279, 337, 338 & 427 IPC at Police Station Shahkot, District Jalandhar and all the consequent proceedings arising therefrom are hereby quashed. If the

case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

May 27, 2015
“DK”