

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11291 of 2014

.....

Date of decision:13.1.2015

Kuldeep Singh alias Deepu

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amit Vema, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Rahul Sharma, Advocate for complainant-respondent
No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of cross-case vide DDR No.38 dated 24.7.2006 registered for the offences under Sections 323, 324, 148 and 149 IPC at Police Station Mahilpur, District Hoshiarpur in FIR No.140 dated 23.7.2006 registered at Police Station Mahilpur and PO order dated 23.2.2008 (Annexure-P.5) and dated 16.9.2009 (Annexure-P.3) passed by learned Judicial Magistrate Ist Class, Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise dated 14.3.2014 (Annexure-P.4).

The DDR has been registered on the statement of complainant-Raghbir Singh on the allegations that the petitioner along with his companions armed with 'Kirpans', hockey etc. inflicted injuries. He was rescued by Sukhdev Singh from the said accused persons. It has been stated in the petition that the present petitioner Kuldeep Singh alias Deepu was declared proclaimed offender because after compromising the matter he went to abroad for earning his livelihood in the impression that compromise has been effected and he will be acquitted by the trial Court later on, but the learned trial Court declared him proclaimed offender on 23.2.2008 and decided the case on 16.9.2009. Now again with the intervention of the respectable persons of the locality and common friends of the petitioner as well as respondent No.2, without any kind of pressure and mala fide, have arrived at compromise with the petitioner and have decided to live peacefully without having any type of grouse against each others.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Hoshiarpur has sent his report dated 2.8.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Raghbir Singh has stated that a cross-case was registered against Kuldip Singh alias Deepu etc. and the present accused petitioner Kuldeep Singh alias Deepu was declared

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proclaimed offender at the time of decision and now he has voluntarily compromised with him after the intervention of respectable persons of the village which is without any pressure, undue influence, coercion or duress and he has no objection if the DDR/FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the DDR/FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from

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commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and cross-case vide DDR No.38 dated 24.7.2006 registered for the offences under Sections 323, 324, 148 and 149 IPC at Police Station Mahilpur, District Hoshiarpur in FIR No.140 dated 23.7.2006 registered at Police Station Mahilpur and PO order dated 23.2.2008 (Annexure-P.5) and dated 16.9.2009 (Annexure-P.3) passed by learned Judicial Magistrate Ist Class, Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed.

January 13, 2015.

(Inderjit Singh)
Judge

hsp