

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-11750 of 2014
Date of Decision: 26th February, 2015

Baljeet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

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

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. P.S. Ghuman, Addl. A.G., Punjab.

Mr. Parvez Akhtar, Advocate
for respondents No.2 & 3.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioner, namely, Baljeet Singh for quashing of FIR No. 20 dated 17.02.2011, registered under Sections 279, 337, 338, 427 IPC, at Police Station Ahmedgarh, district Sangrur, on the basis of compromise arrived at between the parties.

The present FIR was registered on the basis of statement made by Constable Suba Singh who was on petrol duty at the time of occurrence.

Learned counsel for the petitioner submits that during pendency of the proceedings, a compromise has been arrived at between the petitioner and the injured. Learned counsel further submits that the injured-respondents No.2 and 3 have no objection in quashing of the FIR and other proceedings arising therefrom qua to the petitioner and they are also not interested in continuing the proceedings against the petitioner.

Learned counsel for respondents No.2 and 3 has also affirmed the factum of compromise.

Notice of motion was issued on 03.04.2014 and vide order dated 08.09.2014, the parties were directed to appear before the trial Court on 22.09.2014 for recording of their statements with regard to compromise. The trial Court was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid direction, the parties have appeared before the Judicial Magistrate Ist Class, Malerkotla and accordingly their statements were recorded. A report has been sent by the Judicial Magistrate Ist Class, Malerkotla, wherein, the factum of compromise has been affirmed. The parties to the dispute have specifically stated in their statements that the compromise has been arrived at between them and now they do not want to proceed further with the proceedings. It has been mentioned in the report that the complainant, namely, Suba Singh has appeared but he has stated in his statement that no compromise has been effected with him. The injured-Gurmeet Singh and Manjit Singh have specifically stated in their respective statements that they have compromised the matter with the

accused, namely, Baljeet Singh which is as per their free will and they have no objection in quashing of the FIR and other proceedings arising therefrom. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side. It has also been mentioned in the report that no other case as well as P.O. proceedings are pending against the parties.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Judicial Magistrate Ist Class, Malerkotla, it is clear that the dispute between the parties has been settled.

Although the complainant, namely, Suba Singh is a police official and he was present at the place of occurrence while he was on petrol duty and the FIR was registered on the basis of his statement but he is not an aggrieved party. In case of compromise with the injured persons, the statement of aggrieved parties is necessary and no role of the complainant is required as the complainant can be any stranger. Both the injured persons are party-respondents in this case and they have specifically stated that they have no objection in quashing of the FIR and other proceedings arising therefrom.

Since the dispute between the parties has been settled by way of compromise and the injured have no objection in quashing of the FIR, the continuation of the proceedings would be an exercise in futility which would not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

In view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 20 dated 17.02.2011, registered under Sections 279, 337, 338, 427 IPC, at Police Station Ahmedgarh, district Sangrur, as well as all subsequent proceedings arising therefrom qua, petitioner, namely, Baljeet Singh are hereby quashed.

26.02.2015
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(DAYA CHAUDHARY)
JUDGE