

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-12361 of 2015

Date of Decision: 8.7.2015

Harjinder Singh and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Salil Bali, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Parveen Jain, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 49 dated 26.5.2014, registered under Sections 324, 323 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mamdot, District Ferozepur and all the subsequent proceedings on the basis of the compromise deed dated 15.9.2014 (Annexure P2). It is pertinent to mention herein that Section 326 IPC has been added lateron.

2. Vide order dated 21.4.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The Illaqa Magistrate was also directed to send his/her 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, Ferozepur through the learned District & Sessions Judge, Ferozepur along with the copies of

the statements of the parties. In the report, it is stated that the compromise has been effected between complainant-Gurmit Singh and accused/petitioners, namely Harjinder Singh and Dyal Singh voluntarily, without any coercion, inducement & pressure of any person. Learned Magistrate further stated that except the complainant, namely Dyal Singh, no other person was injured in the alleged occurrence.

4. Learned counsel for the petitioners 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 petitioners have been indicted as accused for the offences punishable under Sections 326, 324, 323 & 34 IPC on the complaint made by respondent No.2-Gurmit Singh that on 21.5.2014 at about 7.30 A.M. Harjinder Singh was ploughing their fields and when he and his brother Nachhatar Singh objected to it, then he and his father Dyal Singh along with two other persons ran towards us. Thereafter. Harjinder Singh and Dayal Singh gave injuries with kirpan and dang, respectively. On raising alarm by brother of the complainant, people gathered at the spot. On this, the culprits ran away from the spot with their respective weapons.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his 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. The copy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

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. 49 dated 26.5.2014, registered under Sections 324, 323 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mamdot, District Ferozepur (Section 326 IPC has been added lateron) 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

July 8, 2015

"DK"