

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12368 of 2015

Date of decision: July 13, 2015.

Lakhwinder Singh @ Lakhi & Others

... **Petitioners**

v.

State of Punjab & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Rajbir Singh, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Kulwinder Singh, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

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. 35 dated 21.3.2015, registered under Sections 452, 380, 506, 148, 149 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Dirba, District Sangrur and all the subsequent proceedings on the basis of the compromise deed dated 24.3.2015 (Annexure P2).

2. Vide order dated 21.4.2015, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the Judicial Magistrate 1st Class, Sunam. The learned Magistrate 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.

In compliance of the aforesaid order, report has been received

from the learned Judicial Magistrate 1st Class, Sunam through the learned District & Sessions Judge, Sangrur along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“Shri G.B.S. Chatha, Advocate has suffered statement that he produce and identify the complainant Karnail Singh @ Keila son of Sukhdev Singh resident of Lallu Patti Dirba Tehsil Sunam District Sangrur in FIR No.35 dated 21.03.2015 under Sections 452, 380, 506, 148, 149 IPC, PS Dirba. Complainant Karnail Singh has suffered statement that he has compromised the matter with the accused and the compromise is voluntarily and with free will and without any coercion undue influence or fear and he has no objection if present FIR is quashed. Accused Lakhwinder Singh, Pal Singh, Sukhwinder Singh and Sukhdeep Singh have suffered statement that they have compromised the matter with Karnail Singh and same is voluntarily with free consent.

I am satisfied that compromise arrived at between the parties is voluntarily with free consent. The original statement of Shri G.B.S. Chatha Advocate, statement of complainant Karnail Singh and statement of accused as mentioned above, photocopy of power of attorney of Sh. G.B.S. Chatha Advocate and application moved for recording statement are attached herewith.”

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. As per the prosecution allegations, on 20th March, 2015, at about 7.30 p.m., the complainant Karnail Singh, respondent No.2 herein, was present in his gym. All the four petitioners armed with weapons along with some unidentified persons came there and criminally intimidated the complainant that they will see him if he came to give auction for the cycle stand. Accused-petitioner, Sukhwinder Singh @ DC also threatened him and abused him on mobile phone. While leaving the spot, they took away three iron rods from the gym of the complainant.

7. From the statements of the complainant as well as of the petitioners 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. The photocopy 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 petitioners 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. 35 dated 21.3.2015, registered under Sections 452, 380, 506, 148, 149 IPC at Police Station Dirba, District Sangrur 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.

July 13, 2015.
kadyan

[Darshan Singh]
Judge