

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

CRM-M No.13152 of 2015

Date of decision: July 29, 2015.

Sukhdev Singh @ Dulla and others

... **Petitioners**

v.

State of Punjab and another

... **Respondents**

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

Present: Shri Sarju Puri, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Jagat Pal Singh Wanwait, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

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. 114 dated 30.9.2014, registered under Sections 323, 326, 148, 149 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Rahon, District SBS Nagar (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 7.11.2014 (Annexure P2).

2. Vide order dated 14.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate/trial court. The learned Illaqa Magistrate/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 1st Class, SBS Nagar through the learned District & Sessions Judge, SBS Nagar 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 12.05.2015 the parties came present before the court and complainant/injured Surjit Singh suffered a statement that the matter had been compromised by him with all the accused out of his free will and without any pressure. He brought on record the original compromise deed as Ex.C1, by virtue of which the matter had been compromised by identifying his signatures thereon. He also stated that he had no objection if the FIR and subsequent proceedings against the accused were quashed.

The accused too stated that they had compromised the matter with the complainant out of their free will and without any pressure. ...

None of the accused is a proclaimed offender. ...

It appears that the parties have compromised the matter between them out of their own free will and volition without any coercion or undue influence. The compromise thus appears to be genuine and voluntary. ...”

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 complainants/victims has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the complainant Surjit Singh is alleged to have been given beating by the accused-petitioners, who are his close relatives and family members, for his alleged quarrel/heated exchanges with his own mother and in the occurrence, he sustained an injury with a *sua* above the right eye at the hands of Dulla, petitioner No.1.

7. From the statements of the complainant as well as of the petitioners 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 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 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. 114 dated 30.9.2014, registered under Sections 323, 326, 148, 149 IPC at Police Station Rahon, District SBS Nagar (Annexure P-1) 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 29, 2015.
kadyan

[**Darshan Singh**]
Judge