

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-13365 of 2014

Date of Decision: 16.10.2015

TAJINDER SINGH & ORS

. . . Petitioners

Versus

STATE OF HARYANA & ANR

. . . Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
- 2. To be referred to reporters or not? Yes/No*
- 3. Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. Keshav Partap Singh, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for respondent No.1-State.

Mr. Amandeep Sheoran, Advocate
for respondent No.2.

NARESH KUMAR SANGHI, J. (Oral)

Initially the prayer in the present petition, filed
under Section 482, Cr.P.C., was for quashing of FIR No.235

dated 19.03.2014 (Annexure P-9), for the offences punishable under Sections 380, 420 and 506 read with Section 34 IPC, registered at Police Station, Chandni Bagh, District Panipat, and all the consequential proceedings arising therefrom. Due to intervention of respectable and elderly people of the society, better sense has prevailed and the petitioners have sorted out their dispute and effected a compromise with Tajinder Pal Singh, respondent No.2/informant and as such, vide order dated 24.08.2015, the affected parties were directed to appear before the learned trial Court for getting their respective statements recorded with regard to the compromise. The trial Court was also directed to submit its detailed report along with copies of the statements to this Court.

In compliance of the above, the petitioners (four in number) as well as the respondent No.2/informant Tajinder Pal Singh did appear before learned trial Court and got recorded their respective statements. The statements as well as the report from Court below has been received. Informant/respondent No.2 Tajinder Pal Singh suffered the following statement:-

“Stated that a compromise has been effected between the complainants and accused with the intervention of respectables of society. The

compromise dated 06.12.14 has been entered into by the complainants with free will, without any pressure or coercion and out of free volition. The compromise deed was executed by complainants after understanding its contents. The compromise will help the parties in maintaining better future relations.”

The operative part of the report received from the learned Court below is as under:-

“It is respectfully submitted that the undersigned was directed by the Hon’ble Punjab and Haryana High Court vide order dated 24.08.2015 passed in CRM No.M-13365 of 2014 to record the statements of complainant as well as accused regarding genuineness of compromise effected between them. The complainants Tejinder Pal Singh and Malik Raj Garg as well as accused Tejinder Singh, Shamsher Singh, Vinod Kumar and Rajinder Singh appeared in Court on 22.09.2015. All of them got recorded their separate statements stating therein that a compromise has been effected between them. The complainants and accused stated that the compromise has been effected between them on 06.12.2014 with the intervention of some common respectables and compromise is without any coercion, pressure or undue influence. From the statements of the complainant as well as the

accused, this Court is of the view that the compromise effected between them is genuine and without any pressure, coercion and undue influence. The copies of statements of parties are attached herewith.”

Learned counsel for the informant/complainant has fairly admitted that during the pendency of the petition, the better sense has prevailed and informant/aggrieved person Tajinder Pal Singh has sorted out his dispute and effected a compromise with the petitioners and as such, he has no objection if the impugned FIR No.235 dated 19.03.2014, for the offences punishable under Sections 380, 420 and 506 read with Section 34 IPC, registered at Police Station, Chandni Bagh, District Panipat, and all the consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for the State, on instructions from ASI Rajbir of Crime Branch, Bhiwani, very fairly admits that the private parties have sorted out their dispute and effected a compromise and he has no objection if the FIR No.235 dated 19.03.2014, for the offences punishable under Sections 380, 420 and 506 read with Section 34 IPC, registered at Police Station, Chandni Bagh, District Panipat, and all the consequential

proceedings arising therefrom are terminated on the basis of compromise.

I have heard the learned counsel for the parties and with their able assistance have gone through the material available on record.

There was a dispute with regard to 5-D Cinema Houses, situate at Panipat. Due to intervention of respectable and elderly people of the society, better sense has prevailed and both the parties have resolved their dispute and the statements of the parties in this regard have also been recorded. The report received from learned Court below would reveal that parties have effected the compromise without any pressure, coercion or any undue influence. Learned counsel for the parties have also admitted the said factum.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of '**Gian Singh vs. State of Punjab & Anr. 2012(4) RCR (Criminal) 543**' and a 5 Judge Bench judgment of this Court in the matter of '**Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**', the present

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petition is accepted and FIR No.235 dated 19.03.2014, for the offences punishable under Sections 380, 420 and 506 read with Section 34 IPC, registered at Police Station, Chandni Bagh, District Panipat, and all the consequential proceedings arising therefrom, on the basis of compromise are hereby quashed.

[NARESH KUMAR SANGHI]
JUDGE

16.10.2015
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