

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

CRM-M-13690-2015 (O&M)

Date of Decision: December 8, 2015

Baljinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gagandeep Singh, Advocate for
Mr.A.S.Manaise, Advocate, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Sandeep Arora, Advocate
for respondent Nos.2 and 3.

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

NARESH KUMAR SANGHI, J.(Oral)

Prayer in the present petition, filed under Section 482, Cr.P.C., is for quashing of cross case, Anenxure P2, for the offences punishable under Sections 308 and 323 read with Section 34, IPC, in case FIR No.70, dated 06.06.2014, for the

offences punishable under Sections 148, 323, 324, 326, 427 and 452 read with Section 149, IPC, registered at Police Station, Sadar, Gurdaspur, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 01.05.2015, the affected parties were directed to appear before learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its report before this Court on or before the date fixed.

In compliance of the above, petitioners as well as respondent Nos.2 and 3 did appear before the Court below and got recorded their respective statements with regard to the compromise.

Respondent No.2- Raj Kumar, i.e. informant-complainant suffered the following statement:-

"That the present case FIR No.308, 323, 34, IPC. was registered at Police Station, Sadar, Gurdaspur, on his statement. Now with the intervention of respectable, the matter stands compromised between the parties. Now I do not have any grudge against the accused persons and I do not want to pursue the present case against the accused persons and I have no objection if the present case FIR is quashed by Hon'ble High

Court. I have suffered this statement without any coercion, threat or pressure and with my free will."

Respondent No.3-Parshotam Lal, has suffered the following statement:-

"That the present case FIR No.308, 323, 34, IPC, was registered at Police Station, Sadar, Gurdaspur, on the statement of complainant Raj Kumar. Now with the intervention of respectable, the matter stands compromised between the parties. Now I do not have any grudge against the accused persons and I do not want to pursue the present case against the accused persons and I have no objection if the present case FIR is quashed by Hon'ble High Court. I have suffered this statement without any coercion, threat or pressure and with my free will."

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

"From the above referred statements, it appears that in the above case, FIR No.70, dated 06.06.2014 under Sections 308, 323, 34, IPC, a compromise has been effected between the complainant and accused persons, which is genuine and outcome of the free consent of the parties and is without coercion, threat or undue influence."

Learned counsel for the petitioners urged that due to intervention of the respectable and elderly people of the society,

the matter has been resolved and the private parties have effected a compromise (Annexure P-3). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned cross case and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052.

Learned counsel for the State after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned cross case (Annexure P2) and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that there appears to be substance in the submission of learned counsel

for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent Nos.2 and 3 have genuinely effected a compromise with the petitioners and they have no objection if the impugned cross case (Annexure P2) and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and cross case, Annexure P2, for the offences punishable under Sections 308 and 323 read with Section 34, IPC, in case FIR No. 70, dated 06.06.2014, for the offences punishable under Sections 148, 323, 324, 326, 427 and 452 read with Section 149, IPC, registered at Police Station, Sadar, Gurdaspur, District Gurdaspur, and all the consequential proceedings arising therefrom, are hereby quashed.

December 8, 2015
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(NARESH KUMAR SANGHI)
JUDGE