

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

CRM-M No.1373 of 2015

Date of decision: July 29, 2015.

Joginder Pal and others

... **Petitioners**

v.

State of Punjab and another

... **Respondents**

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

Present: Shri L.M. Gulati, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Ms. Jasneet Kaur, 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. 67 dated 7.8.2014, registered under Sections 323, 324, 452, 427, 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Qila Lal Sigh, Police District Batala, District Gurdaspur (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 30.11.2014 (Annexure P2).

2. Vide order dated 8.3.2015, this Court has directed the parties to get their statements recorded before the trial court. The learned 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, Batala through the learned District & Sessions Judge, Gurdaspur 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:

“... statements of the complainant Ramesh Kumar son of Sewa Ram, resident of village Bijliwal, P.S. Qila Lal Singh, Tehsil Batala, District Gurdaspur recorded. He in his statement stated that the present case FIR No.67 dated 7.8.2014 under Sections 326/324/323/452/427/34 IPC Police Station Qila Lal Singh was registered on his statement against the accused Joginder Pal son of Shri Ram Parkash, Urmila wife of Joginder Pal, Gagandeep Kumar alias Babbu son of Joginder Pal and Pardeep Kumar alias Banti son of Joginder Pal, all residents of village Bijliwal, P.S. Qila Lal Singh, Tehsil Batala District Gurdaspur and with the intervention of the respectable persons, the matter has been compromised in between the parties and complainant does not want to proceed further with the case and he has no objection, if the present FIR be quashed by the Hon'ble High Court.

Similarly accused Joginder Pal son of Shri Ram Parkash, Urmila wife of Joginder Pal, Gagandeep Kumar alias Babbu son of Joginder Pal and Pardeep Kumar alias Banti son of Joginder Pal, all residents of village Bijliwal, P.S. Qila Lal Singh, Tehsil Batala District Gurdaspur made their statements that with the intervention of respectable persons, the matter has been compromised with the complainant party.

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The statements of the parties recorded in the presence of undersigned, it appears to the court that the parties have entered into said compromise which is without any pressure,

coercion and same has done with the free consent of the parties.”

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, the accused-petitioners making their forceful entry into the house of the complainant, attacked him for having raised a grievance regarding entry of dirty water to his house through the drain. Pardeep Kumar petitioner No.4 was allegedly armed with a *datar* whereas petitioner No.1 Joginder Pal was armed with a *sota* and the other petitioners were empty handed. Petitioner No.3 Gagandeep Kumar alias Babbu is alleged to have hurled brickbats at his house thereby smashing the windowpanes and thereafter giving fist blows to 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. 67 dated 7.8.2014, registered under Sections 323, 324, 452, 427, 34 IPC at Police Station Qila Lal Sigh, Police District Batala, District Gurdaspur (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.
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[Darshan Singh]
Judge