

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

CRM-M- 16782 of 2015(O&M)

Date of Decision: September 04, 2015

Iqbal Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Shivoy Dhir, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. Dinesh Nagar, Advocate,
for respondent Nos.2 and 3.

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 this petition filed under Section 482, Cr.P.C., is for quashing of FIR No.127 (Annexure P-1) dated 29.10.2009, for the offences punishable under Sections 324, 341 and 506, read with 34 IPC, registered at Police Station, Sadar SBS Nagar, District Shaheed Bhagat Singh Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 17.7.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report alongwith statements of the parties with regard to validity of the compromise effected between the parties to this Court on or before the adjourned date.

In compliance of the above, the petitioners, Iqbal Singh and Karnail Singh as well as injured, Gurdeep Singh and Jasbir Kaur, did appear before the Court below and suffered their respective statements with regard to the compromise.

Jasbir Kaur deposed as follows:-

"I am entered into compromise with the accused persons. As such we both the parties have effected compromise and the compromise is genuine, voluntary and without any coercion and without any undue influence and same has been effected with the free will and consent of the parties. I have no objection if the accused are acquitted from the charges framed against them. Copy of the compromise Ex.C-1."

Gurdeep Singh deposed as follows:-

" I am entered into compromise with the accused persons. As such we both the parties have effected compromise and the compromise is genuine, voluntary and without any coercion and without any undue influence and same has been effected with the free will and consent of the parties. I have no

objection if the accused are acquitted from the charges framed against them. Copy of the compromise Ex.C-1.”

The operative part of the report received from learned Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar is as under:-

“It is submitted that FIR in the said case was registered on the statement of complainant Gurdeep Singh on 29.10.2009 under Section 324, 341, 506 and 34 IPC at P.S. Sadar, SBS Nagar. However, with the intervention of the respectable persons from both the parties a compromise has been effected between them. Statements of both of the accused have been separately recorded regarding the compromise. Statement of the complainant Gurdeep Singh and his wife Jasbir Kaur has also been recorded to that effect. A written compromise Ex.C-1 has also been submitted. At present, as per the statements made by the above said Gurdeep Singh and Jasbir Kaur, they have no objection if the accused are acquitted from the charges framed against them. As per the statements so recorded by both sides, it can be deducted that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. They have been identified by their respective consels. The statement of both the parties along with photocopy of compromise deed dated 16.04.2015 Ex.C-1 is enclosed herewith for kind perusal.”

Learned counsel for the State, on instructions from HC Vijay Kumar, Police Station, Sadar SBS Nagar, very fairly concedes that the quarrel between the private parties had taken place on account of a land dispute. Due to intervention of the respectable and elderly people of the society, both the private factions have resolved the dispute and effected a compromise(Annexure P-2) and as such, he has no objection if the impugned FIR and consequential proceedings emanating therefrom are quashed on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners submits that in view of the compromise so effected between the parties, the pendency of the FIR and consequential proceedings emanating therefrom would be a sheer abuse of the process of law.

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

In the matter 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**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **Gian Singh (supra)** and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh (supra)**, this petition is accepted and FIR No.127 (Annexure P-1) dated 29.10.2009, for the offences punishable under Sections 324, 341 and 506, read with 34 IPC, registered at Police Station, Sadar SBS Nagar, District Shaheed Bhagat Singh Nagar, and all the consequential proceedings arising therefrom, are hereby quashed.

04.09.2015
anju rani

(NARESH KUMAR SANGHI)
JUDGE