

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

CRM-M No.17188 of 2015

Date of decision: July 31, 2015.

Malkit Singh etc.

... **Petitioners**

v.

State of Punjab & another

... **Respondents**

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

Present: Shri L.S.. Sidhu, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Sukhdev Singh, 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. 23 dated 26.3.2015, registered under Sections 451, 354, 323, 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Bareta, District Mansa (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 21.4.2015 (Annexure P3).

2. Vide order dated 25.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate/trial court. The learned Judicial 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, Budhlada through the learned District & Sessions Judge, Mansa 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:

“Four accused namely Malkeet Singh @ Gora, Harpreet Singh, Gurmeet Singh and Gurjeet Singh are arrayed as accused in the present FIR and no accused is declared as proclaimed offender in this case.

The complainant as well as accused while appearing before this Court has stated that they have entered into compromise voluntarily, without any pressure and coercion. It appears that there is no pressure or coercion on both parties for entering into compromise and the same is purely voluntary. As per my observation settlement between the parties has no adverse effect upon any third party.”

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 petitioners are accused of thrashing the complainant over a petty issue as they had an apprehension that she was interfering in the marital life of petitioner No.1 – Malkit Singh @ Gora Singh and his wife Manpreet Kaur whereas on the contrary, version of the complainant is that she used to receive phone calls from said Manpreet Kaur to make her husband understand so as to save their marital life.

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 P3.

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. 23 dated 26.3.2015, registered under Sections 451, 354, 323, 34 IPC at Police Station Bareta, District Mansa (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 31, 2015.
kadyan

[Darshan Singh]
Judge