

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

CRM-M No.17274 of 2014

Date of decision: July 30, 2015.

Dhyan Singh and others

... **Petitioners**

v.

State of Haryana & another

... **Respondents**

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

Present: Shri Arvinder Arora, Advocate, for the petitioners.
Shri Chetan Sharma, Assistant Advocate General, Punjab
for respondent No.1.
Shri Umesh Narang, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 362 dated 14.10.2011, registered under Section 379 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Naraingarh, District Ambala (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 5.12.2013 (Annexure P2).

2. Vide order dated 4.2.2015, a coordinate Bench of this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The learned Illaqa Magistrate 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, Naraingarh through the learned District & Sessions Judge, Ambala along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“... Complainant namely Gurdev Chaudhary made a statement that a compromise was effected between him and the accused persons. Compromise is effected without any coercion or force and with his own volition. He does not want to pursue the present case and does not want any action against above named accused persons. Similarly, accused persons namely Waryam Singh, Dhyan Singh ad Nirmal Singh also made a statement that a compromise has been effected between them and the complainant and there is no dispute between them at present. From the statements of complainant and accused persons, I am of the firm view that the statements of the parties have been recorded by their free will without any pressure or any undue influence from any corner.”

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 petitioners have been arrayed as accused in the impugned FIR by the complainant for having stolen bricks by demolishing the plinth as also crusher sand lying stored at the spot despite there having been stay orders from the competent court.

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. 362 dated 14.10.2011, registered under Section 379 IPC at Police Station Naraingarh, District Ambala(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 30, 2015.
kadyan

[Darshan Singh]
Judge