

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

CRM-M-17388-2015

Date of Decision: December 10, 2015

Amarjit Singh @ Suba and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 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?***

Present: Mr.Manu K.Bhandari, Advocate
for the petitioners.

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

Mr.Dinesh Trehan, Advocate
for respondent Nos.2 to 4.

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NARESH KUMAR SANGHI, J.(ORAL)

The present petition under Section 482, Cr.P.C., has been filed by the petitioners, Amarjit Singh @ Suba, Bir Inder Singh @ Sobby and Supreet Kawal Singh @ Saffy for quashing of FIR No.30, dated 06.03.2014 (Annexure P-1), for the offences punishable under Sections 323, 324,452 and 506 read with Section 34, IPC, registered at Police Station, Model Town, Ludhiana City,

and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 25.05.2015, this Court had passed the following order:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent Nos.2 to 4, for 17.09.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.”

In compliance thereof, the petitioners (three in number) as well as Harmit Singh Walia, respondent No.2/informant, and Surinder Pal Singh Walia and Jatinder Kumar @ Sunny, respondent Nos.3 and 4 (injured persons) respectively,

did appear before learned Court below and got recorded their respective statements with regard to the compromise.

Harmit Singh Walia, respondent No. 2/informant suffered the following statement:-

“Stated that I have got registered FIR No.30 dated 06.03.2014, under Sections 452, 323, 506, 34, IPC, P.S.Model Town, Ludhiana, against Amarjit Singh @ Suba, Bir Inder Singh @ Sobby and Supreet Kamal Singh @ Saffy. Now I have compromised the matter with the accused persons with my own free will and without being any pressure from any side in the above said case and I have made this statement voluntarily.”

Surinder Pal Singh Walia, respondent No.3-injured suffered the following statement:-

“Stated that I am an eye-witness in case FIR No.30 dated 6.3.2014 under Sections 452, 323, 506, 34, IPC, P.S.Model Town, Ludhiana, against Amarjit Singh @ Suba, Bir Inder Singh @ Sobby and Supreet Kamal Singh @ Saffy. Now I have compromised the matter with the accused persons in the above said case with my own free will and without being any pressure from any side and I have made this statement voluntarily.”

Jatinder Kumar, respondent No.4-injured suffered the following statement:-

“Stated that I am injured witness in case FIR No.30 dated 6.3.2014 under Sections 452, 323, 506, 34, IPC,

P.S.Model Town, Ludhiana, against Amarjit Singh @ Suba, Bir Inder Singh @ Sobby and Supreet Kamal Singh @ Saffy. Now I have compromised the matter with the accused persons in the above said case with my own free will and without being any pressure from any side and I have made this statement voluntarily.”

The petitioners also suffered the statement admitting the factum of the compromise. Operative part of the report, dated 19.08.2015 received from Judicial Magistrate First Class, Ludhiana, is as under:-

“.....The parties in my opinion have compromised the matter without any pressure, undue influence, fraud or coercion. This Court has satisfied about the genuineness as well as validity of the compromise effected by the parties. Statements of the parties are enclosed herewith for ready reference. The case is fixed for prosecution evidence. No accused is proclaimed offender and quashing is sought by all the accused.”

Learned counsel for the State as well as the counsel representing respondent Nos.2 to 4 has fairly admitted the execution of the compromise, Annexure P2. They further submit that the injured persons did appear before the Court below and got recorded their respective statements admitting the factum of compromise and, as such, they have no objection if the impugned FIR and consequential proceedings arising therefrom are

quashed.

Learned counsel for the petitioners submits that all the offences alleged to have been committed by the petitioners are personal in nature and due to intervention of the respectable and elderly people of the society, the compromise, Annexure P2, has been effected. He further submits that in view of the totality of the facts and circumstances of the case, pendency of the FIR and consequential proceedings arising therefrom would be a 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 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.

After hearing learned counsel for the parties, going through the material available on record and the ratio of the judgments delivered in the matters of **Gian Singh** and **Kulwinder Singh** (supra), this petition is accepted and FIR No.30 dated 06.03.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 452 and 506 read with Section 34, IPC, registered at Police Station, Model Town, Ludhiana City, and all

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the consequential proceedings arising therefrom are hereby
quashed.

December 10, 2015
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(NARESH KUMAR SANGHI)
JUDGE