

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

CRM-M No.17404 of 2015

Date of decision: July 30, 2015.

Harjot Singh

... **Petitioner**

v.

State of Punjab & another

... **Respondents**

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

Present: Ms. Navneet Kaur Chahal, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Hem Raj Bhardwaj, 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. 49 dated 16.3.2014, registered under Section 382/34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 2.5.2015 (Annexure P2).

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 Illaqa 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, Faridkot through the learned District & Sessions Judge, Faridkot 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:

“Complainant Chamkaur Singh son of Veer Singh resident of Hari Nau, now residing at Main street, Hira Singh Nagar, Kotkapura has suffered a statement in the court that FIR No.49 dated 16.03.2014 under Section 382/34 IPC, PC City Kotkapura was registered at his instance against the accused under misunderstanding and that now the compromise has been effected with the intervention of respectables and now the parties wish to live in peace and harmony. ... He further stated that he does not want to continue the criminal proceedings against the accused and he has no objection if the FIR No.49 dated 16.03.2014 under Section 382/34 IPC, PC City Kotkapura and the proceedings are quashed against the accused. He further stated that his statement is without any coercion, threat, pressure, greed or fraud.

Similarly, accused Harjot Singh son of Kulwant Singh, resident of Green Avenue, Faridkot has suffered a statement in the court that in this case he has effected compromise with the complainant Chamkaur Singh. ... The compromise between them has taken place with their free will and consent and that it is not resulted outcome of any threat, pressure, coercion or fraud and they want to live in peace and harmony. ...

... I am satisfied that the compromise is genuine,

voluntary and without any coercion or undue influence and has been effected between the parties with their free will and consent. I do not find any element of coercion, pressure etc. in this regard."

4. Learned counsel for the petitioner 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, who were riding a scooter, are accused of snatching the lady purse belonging to Smt. Veerpal Kaur, wife of the complainant, while they were afoot on their way to their village after alighting from a bus at Battian Wala Chowk, Kotkapura. One of the accused was identified as petitioner Harjot Singh and the other one as non-petitioner Sukhwant Singh alias Lovely son of Baldev Singh, who is reported to have died on 19.3.2014. Learned Counsel

for the State has also produced on record a death certificate pertaining to said Sukhwant Singh alias Lovely.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his 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 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. 49 dated 16.3.2014, registered under Section 382/34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station City Kotkapura, District Faridkot (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