

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

CRM-M-17749-2015 (O&M)

Date of Decision: November 18, 2015

Hardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Mohinder Kumar, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Sunil Kumar, Advocate
for respondent No.2.

.....

- 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.31, dated 17.01.2015, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, registered at Police Station, A Division, Amritsar City, Punjab, and all the consequential proceedings arising therefrom, on the basis of compromise, Annexure P3.

When the case came up for preliminary hearing on 27.05.2015, before this Court, then the following order was passed:-

“Notice of motion for 18.11.2015.

Meanwhile, parties are directed to be present before the learned trial Court/Illaqa Magistrate on 21.07.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing.”

In compliance of the above, the petitioners (four in number) as well as Amanpreet Singh (respondent No.2)/ injured did appear before the Court below and got recorded their respective statements with regard to the compromise.

Amanpreet Singh (respondent No.2)/injured suffered the following statement:-

“The FIR No.31, dated 17.01.2015, under Sections 323, 324, 148 and 149 (Section 326 IPC

added later on) of the IPC was registered on my complaint against Hardeep Singh, Major Singh, Sandeep Singh and Jagwant Singh @ Happy, in the P.S. A Division Amritsar. Similarly on the statement of Hardeep Singh a cross case bearing DDR No.34 dated 23.1.2015 under Sections 326, 323, 148, 149 of IPC was registered against me and Gurpreet Singh @ Sabu, Harpal Singh @ Bhala and Harmandeep Singh @ Gora in PS A Division Amritsar. Now with the intervention of people of the locality and respectables with both the parties have compromised the matter to keep peace and harmony in the society. I have agreed for the quashing of the FIR No.31 dated 17.1.2015 and the other parties has agreed for quashing of cross case DDR No.34 dated 23.1.2015 by filing petition for quashing of the FIR and cross case. We have executed a compromise dated 9.3.2015 with our free consent and without any pressure or coercion. I have no objection if the FIR No.31 dated 17.1.2015 under Sections 323, 324, 148 and 149 (Section 326 of IPC added later on) is quashed by the Hon'ble High Court. Our compromise is genuine.”

Similar separate statements were suffered by all the four petitioners.

Operative part of the report received from learned Judicial Magistrate First Class, Amritsar, is as under:-

“On the basis of the statement suffered by the

parties, it appears that the compromise is genuine, voluntary without any threat or coercion. No other case is reported to be pending against accused Sandeep Singh, Hardeep Singh and Major Singh. However, a case FIR No.75, dated 29.4.2010 under Sections 324, 326, 148, 149 IPC P.S. A Division, Amritsar, is pending trial against accused Jagwant Singh.

Learned counsel for the petitioners contends that both the private factions belong to the same family; on account of property dispute, the quarrel in question has emanated in which both the factions have received injuries; both the private parties have been booked by the police for causing injuries to each other; due to intervention of respectables and elderly people of the society, all the property disputes as well as the dispute in the present criminal matter has been resolved and a compromise, Annexure P3, has been effected. He further submits that the petitioners as well as respondent No.2/injured did appear before the Court below and got recorded their respective statements with regard to the compromise and, as such, the pendency of the impugned FIR and consequential proceedings arising therefrom would be a sheer abuse of the process of law and the same be quashed in view of the law laid down by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**,

2012 (4) R.C.R. (Criminal) 543.

Learned counsel for the State, on instructions from ASI Amar Singh as well as the counsel representing respondent No.2/injured has also fairly stated at bar that in view of the compromise so effected between the parties and their depositions before the learned Court below, they do not have any objection if the impugned FIR and consequential proceedings are quashed on the basis.

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

Since both the private factions are thickly related; it is a case of version and cross-version; the injuries on the person of the injured have healed and he is pursuing his daily pursuits; the pendency of the FIR and consequential proceedings emanating therefrom would be a sheer abuse of the process of law and, as such, keeping in view the said facts and ratio of the judgment in the case of **Gian Singh** (supra) and a 5-Judge Bench judgment of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), the present petition is allowed. FIR No. No.31, dated 17.01.2015, for the offences punishable under Sections 148, 323, 324 and 326

read with Section 149, IPC, registered at Police Station, A
Division, Amritsar City, Punjab, and all the consequential
proceedings arising therefrom are hereby quashed.

November 18, 2015
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(NARESH KUMAR SANGHI)
JUDGE