

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19678-2015

Date of Decision: December 19, 2015

Makhan Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kamaljeet Singh Sidhu, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

None 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)

The present petition under Section 482, Cr.P.C., has been filed by Makhan Singh, Darshan Singh, Mithu Singh and Raj Singh, for quashing of FIR No. 16, dated 24.2.2015 (Annexure P-1), for the offences punishable under Sections 323, 341, 342, 365 and 379 read with Section 34, IPC, registered at Police Station, Sadar, Rampura, District Bathinda, and all the consequential

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

Vide order dated 1.7.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/Trial Court, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to submit a report in that regard.

In compliance of the above, all the four petitioners, respondent No. 2/informant, Jasvir Singh, Sukhchain Singh, an eye-witness, and Ram Singh, M.C. of village Chauke, Nagar Panchayat, did appear before learned Sub-Divisional Judicial Magistrate, Phul, District Bathinda, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Jasvir Singh, suffered the following statement:-

“ Stated that an FIR No. 16 dated 24.02.2015 under Section 365, 341, 342, 379, 323, 34 IPC, P.S. Sadar Rampura was got registered by me against the accused namely Makhan Singh son of Joginder Singh, Darshan Singh son of Jagjit Singh, Mithu Singh son of Bhag Singh and Raj Singh son of Mohinder Singh, all residents of village Chauke, Tehsil Maur, District Bathinda. Now matter has been compromised with all above

mentioned accused persons. Now I have no grudge and enmity against the accused persons. I have voluntarily compromised the matter without any pressure or coercion. I do not want to pursue the case further. I have no objection if the FIR against the above said accused persons be quashed. No other case has been pending between us.”

All the four petitioners also suffered statements admitting the factum of the compromise.

The operative part of the report received from learned Sub-Divisional Judicial Magistrate, Phul, is as under:-

“ The complainant Jasvir Singh son of Jagraj Singh and eye witness Sukhchain Singh son of Jagraj Singh suffered statements to the effect that they have compromised the matter with accused Makhan Singh son of Joginder Singh, Darshan Singh son of Jagjit Singh, Mithu Singh son of Bhag Singh and Raj Singh son of Mahinder Singh with the intervention of respectables and they further stated that they have no objection if the FIR in question be quashed. Ram Singh, Municipal Councilor identified the parties. His separate statement in this regard also recorded. In view of the statements so suffered by the parties, this Court is of the considered view that complainant Jasvir Singh has arrived at a volunteer compromise with the accused persons.

It is further submitted that total 04 above mentioned persons have been arrayed as accused in F.I.R. and no accused has been declared proclaimed offender till date. However, compromise is genuine, voluntary, without any coercion or under influence and has not any adverse affect upon any third party.”

Learned counsel for the petitioners submits that due to intervention of the respectable and elderly people of the society both the private factions have resolved their dispute and effected a compromise (Annexure P2). The parties did appear before learned Court below and got recorded their statements admitting the factum of the compromise. He further submits that in view of the factum of compromise and the ratio of 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**, pendency of the impugned FIR and the consequential proceedings emanating therefrom, would be sheer abuse of the process of law.

Learned counsel for the State on instructions from HC Lakhwinder Singh of Police Station, Sadar, Rampura, District

Bathinda, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that due to intervention of the elderly people of the society, both the private factions have resolved their dispute and effected a compromise and, as such, pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the petitioners and he has no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 16, dated

24.2.2015 (Annexure P-1), for the offences punishable under Sections 323, 341, 342, 365 and 379 read with Section 34, IPC, registered at Police Station, Sadar, Rampura, District Bathinda, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 19, 2015
Pkapoor