

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

CRM-M-20481-2015 (O&M)

Date of Decision: September 8, 2015

Manjit Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.C.K.Singla, Advocate
for the petitioners.

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

Mr.Shashikant Gupta, Advocate
for respondent No.2.

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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 the present petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.62, dated 01.06.2015, for the offences punishable under Sections 323, 324, 326, 341 and 506, IPC, read with Section 34, IPC, registered at Police Station, City Dhuri, District Sangrur, and consequential proceedings arising

therefrom, on the basis of compromise, Annexure P2.

Vide order, dated 29.06.2015 this Court had directed the affected parties to move an application before the learned Area Judicial Magistrate to get their statements recorded with regard to genuineness of the compromise. Learned Area Judicial Magistrate was further directed to record the statements of the affected parties regarding compromise and submit his report to this Court describing as to whether the compromise was genuine and the stage of the case. It was also directed to disclose as to whether anyone of the accused was a proclaimed offender.

In compliance of the above, informant/complainant/injured Bharpur Singh @ Bhura as well as the petitioners did appear before the Court below.

Informant/complainant/injured Bharpur Singh @ Bhura suffered the following statement:-

“Stated that I have compromised the matter with the accused persons with my free will without any pressure, coercion and without any undue influence. The matter of the case has been compromised with the intervention respectable and relatives. The original compromise is on be filed of the Hon'ble High Court. The said compromise is genuine one. I have no objection if the present FIR be quashed by the Hon'ble

High Court.”

The operative part of the report, dated 07.07.2015, received from learned Sub Divisional Judicial Magistrate, Dhuri, is as under:-

“Hence, keeping in view the statements suffered by the complainant and the accused, it is respectfully submitted that the complainant has compromised with the accused regarding the matter in dispute out of their sweet will, without any pressure or coercion.

It is further submitted that in the present case FIR has been lodged against the accused and no proceedings against the accused is pending before the Court of undersigned. It is further submitted that as per report of the concerned Ahlmad, no P.O. proceedings against any of the accused is pending before the Court of undersigned. It is further submitted that as per FIR there are only two accused, who have filed the quashing petition before the Hon'ble High Court.”

Learned counsel for the State, on instructions from ASI Dilpreet Singh, Police Station, City, Dhuri, very fairly concedes that the informant/complainant/injured -Bharpur Singh has sorted out his dispute and effected a compromise with the petitioners and, as such, he has no objection if the impugned FIR and consequential proceedings emanating therefrom are

quashed on the basis of compromise.

Learned counsel for respondent No.2-informant/complainant/ injured-Bharpur Singh submits that Bharpur Singh (respondent No.2-informant/complainant/ injured) as well as the petitioners did appear before the Court below and disclosed that the compromise was effected. The statement of respondent No.2-informant/complainant/ injured Bharpur Singh was recorded on oath by learned Sub Divisional Judicial Magistrate, Dhuri. He further submits that he has the instructions to state at bar that respondent No.2-informant/complainant/ injured-Bharpur Singh has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

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

The petitioners as well as respondent No.2- informant/complainant/injured- Bharpur Singh are the neighbours in the village. On account of ingress of a bull of the petitioners in the house of complainant, the quarrel had taken place. The injuries alleged to have been received by informant/complainant/

injured-Bharpur Singh have healed and he is leading a normal life. The statement suffered by informant/complainant/ injured-Bharpur Singh before learned Sub Divisional Judicial Magistrate, Dhuri, and the report received from the said Court would reveal that the compromise, so effected, between the parties is genuine one. None of the accused is a proclaimed offender. No other case is pending against them.

Learned counsel for the State as well as learned counsel representing informant/complainant/ injured-Bharpur Singh has also admitted the factum of compromise.

In the matters of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), Hon'ble Courts have held that even if the offence is non-compoundable then also the criminal proceedings can be terminated in a petition filed under Section 482, Cr.P.C., on the basis of compromise effected between the parties.

In view of the totality of the facts and circumstances of the case and keeping in view the ratio of the judgments cited hereinabove and also the fact that pendency of the impugned FIR

and consequential proceedings would be sheer abuse of the process of law, since chances of conviction and sentence of the petitioners are bleak, the present petition is allowed. FIR No.62, dated 01.06.2015, for the offences punishable under Sections 323, 324, 326, 341 and 506, IPC, read with Section 34, IPC, registered at Police Station, City Dhuri, District Sangrur, and all the consequential proceedings emanating therefrom are hereby quashed.

September 8, 2015
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(NARESH KUMAR SANGHI)
JUDGE