

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21048-2015
Date of Decision: August 28, 2015

Narinder Singh @ Ninder and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Arora, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. G.S. Rawat, 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)

The present petition under Section 482, Cr.P.C., has been filed by three petitioners, namely, Narinder Singh @ Ninder, Maninder Singh and Maninder Singh @ Sabha, for quashing of FIR No. 138 (Annexure P-1), dated 28.5.2013, for the offences punishable under Sections 148, 427, 452 and 506 read with Section 149, IPC, registered at Police Station, Bawa Khel, District Jalandhar, and all the consequential proceedings arising therefrom, on the

basis of compromise (Annexure P-2).

Vide order dated 3.8.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise and it was further directed that learned Trial Court would send the report alongwith copies of the statements to this Court on or before the adjourned date.

In compliance thereof, the petitioners as well as respondent No. 2/informant, Jaspreet Kaur, did appear before learned Judicial Magistrate First Class, Jalandhar, and got recorded their respective statements with regard to the compromise.

The report alongwith copies of the statements of the parties, has been received. Perusal of the statement of respondent No. 2/informant, Jaspreet Kaur, reveals that she did depose that the compromise was effected with her free consent, without any pressure and coercion. She further deposed that she had also effected a compromise with petitioner Nos. 1 and 3 and another accused person, namely, Pardeep Singh, in yet another case arising out of FIR No. 130, dated 16.5.2013, for the offences punishable under Sections 323, 451, 506 and 509, IPC, registered at Police Station, Basti Bawa Khel, District Jalandhar.

Learned counsel for the State on instructions from ASI Resham Singh of Police Station, Bawa Khel, District Jalandhar, very

fairly concedes that respondent No. 2/informant has sorted out her dispute and effected a compromise with the petitioners. However, he submits that against petitioner Nos. 1 and 3, namely, Narinder Singh @ Ninder and Maninder Singh @ Sabha, yet another FIR at the behest of respondent No. 2/informant was registered, therefore, heavy costs should be imposed for wasting public time.

Learned counsel for respondent No. 2/informant very fairly concedes that due to intervention of respectable and elderly people of the society, the dispute has been resolved and respondent No. 2 has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed.

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

The allegations against the petitioners are that they entered into the house of respondent No. 2/informant and smashed the wind-screen of the car of the brother of respondent No. 2. Copy of the statement received from learned Trial Court would reveal that Jaspreet Kaur has resolved all her disputes and effected a compromise with the petitioners.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **Gian Singh**

v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543,
and the 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, present petition is accepted and
FIR No. 138 (Annexure P-1), dated 28.5.2013, for the offences
punishable under Sections 148, 427, 452 and 506 read with Section
149, IPC, registered at Police Station, Bawa Khel, District Jalandhar,
and all the consequential proceedings arising therefrom are
hereby quashed.

However, keeping in view the fact that petitioner Nos. 1
and 3, namely, Narinder Singh @ Ninder and Maninder Singh @
Sabha, are also involved in yet another case registered at the
behest of respondent No. 2/informant, therefore, each one of them
are burdened with costs of ₹15,000/- (₹15,000/- + ₹15,000/- =
₹30,000/-), to be deposited with learned Trial Court within one
month of passing of this order. In case, petitioner Nos. 1 and 3 are
unable to comply with this order, then it would be open for the
prosecution or respondent No. 2/informant to move an application
for re-calling the present order.

A copy of this order be sent to learned Trial Court
immediately.

August 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE