

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22761-2014 (O&M)

Date of Decision: February 4, 2015

Manjit Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Piyush Sharma, Advocate,
for the petitioners.

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

Mr. Jaswinder Singh Grewal, Advocate,
for respondent Nos. 2 to 6.

NARESH KUMAR SANGHI, J. (Oral)

1. The present petition under Section 482, Cr.P.C., has been filed by petitioners, namely, Manjit Kumar, Kuldeep Kumar @ Laddu, Kala Ram, Dalip Kumar, Pali Ram, Krishan Lal @ Babbu and Hardeip Kumar, all residents of Mohalla Shivrampura (Kamboj Mohala), near Johri Mandir, Tehsil Abohar, District Fazilka, for quashing of DDR No. 32, dated 18.7.2007 (Annexure P-1), recorded at Police Station, City, Abohar, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, treated to be a cross-case, arising out of FIR

No. 266, dated 27.8.2007, under Sections 148, 323 and 326 read with Section 149, registered at Police Station, City, Abohar, District Ferozepur, and all the consequential proceedings arising therefrom, including the judgment of conviction and the order of sentence, dated 16.4.2014 (Annexure P-2), passed by learned Sub-Divisional Judicial Magistrate, Abohar, in view of the compromise dated 28.6.2014 (Annexure P-3).

2. Vide order dated 10.10.2014, the affected parties were directed to appear before learned Chief Judicial Magistrate, Ferozepur, for getting their respective statements recorded with regard to the compromise. Due to change of the districts, later on the said order was modified and it was ordered that the affected parties would appear before learned Chief Judicial Magistrate, Fazilka.

3. In compliance of above, the petitioners (seven in number) as well as injured/respondent Nos. 2 to 6 (five in number) did appear before learned Chief Judicial Magistrate, Fazilka, and suffered their statements admitting the factum of the compromise. Injured/respondent No. 2, Sher Chand, suffered the following statement:-

“ Stated that in the preent case DDR No. 32 dated 18.07.2007 u/s 324/323/148/149 IPC of PS City Abohar

was registered on my statement against petitioner/accused (1) Manjit Kumar, aged about 35 years son of Boora Ram son of Pathana Ram (2) Kuldeep Kumar @ Laddu, aged about 30 years son of Ranga Lal son of Pathana Ram (3) Kala Ram son, aged about 40 years son of Boora Ram @ Pali Ram son of Pathana Ram (4) Dalip Kumar aged about 40 years son of Pali Ram son of Pathana Ram (5) Pali Ram, aged about 75 years son of Pathana Ram son of Sohna Ram (6) Krishan Lal @ Babbu, aged about 35 years son of Rang Lal son of Pathana Ram (7) Hardeip Kumar, aged about 36 years son of Pali Ram son of Pathana Ram, all residents of Mohalla Shivrampura (Kamboj Mohalla) near Johri Mandir, Tehsil Abohar, District Fazilka. All the accused involved in the present case were convicted and sentenced by the court of Sh. Amit Malhan, SDJM, Abohar as per judgment dated 16.04.2014. The appeal against the said judgment is pending in the court of Ms. Jatender Walia, Ld. Additional Sessions Judge, Fazilka for 18.11.2014. During the course of the appeal, with the intervention of the respectable, relatives and friends, we have compromised with the above said accused/petitioners as per compromise deed dated 28.06.2014 without any influence, coercion, pressure at my own with my free will. Being the cross version we both the parties filed quashing proceedings before the Hon'ble Punjab and Haryana High Court as per Crl. Misc. No. M-22749 and M-22761 of 2014 respectively. I have no further grudge remained against the accused/petitioners. We want to

live our life happily with peace and harmony without any pressure. The accused/petitioners have already filed the quashing proceedings before the Hon'ble Punjab and Haryana High Court vide CRM-M-22761 of 2014. I have no objection if the quashing proceedings against the accused/petitioners be accepted."

4. Similar joint statement was suffered by Jagga Ram, Puran Chand, Sukhwinder Pal and Parmjit Kaur admitting the factum of the compromise. Similarly, all the petitioners also suffered a joint statement admitting the factum of the compromise. The operative part of the report received from learned Chief Judicial Magistrate, Fazilka, is as under:-

" From the above said statements of the complainant/injured persons of the present case as well as the petitioners/accused, have effected a compromise, which seems to be genuine."

5. Learned counsel for the petitioners would submit that it is a case of version and cross-version in which both the private factions had received injuries; the quarrel had originated on account of parking of a truck owned by Rang Lal (since deceased) in front of the shop of Puran Chand (respondent No.4); during trial both the private factions were convicted and sentenced in their respective cases by the learned Trial Court;

both the private factions have filed their appeals which are pending adjudication before learned Additional Sessions Judge, Fazilka; and that during pendency of the said appeals, better sense prevailed and both the private factions have resolved all their disputes and effected a compromise with each other. He further submits that during pendency of the trial and appeal, petitioners as well as the opposite party were ordered to be released on bail, but they did not misuse the said concession in any manner. It has also been contended that the petitioners are the first offenders. He further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom, would be sheer abuse of the process of law. In support of his contentions, learned counsel has placed reliance on 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, 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).

6. Learned counsel for the State has gone through the copies of the statements suffered by the private parties and the report received from learned Chief Judicial Magistrate, Fazilka. After obtaining instructions from ASI Rupinder Singh of Police

Station, City, Abohar, he very fairly concedes that the private parties have sorted out their disputes and effected a compromise and, as such, he has no objection with regard to quashing of the impugned FIR and the consequential proceedings emanating therefrom on the basis of the compromise.

7. Learned counsel for respondent Nos. 2 to 6 has also followed the line of action of learned counsel for the State and has no objection if the impugned FIR and all the consequential proceeding arising therefrom are quashed on the basis of the compromise. He submits that he has instructions to state at the bar that both the private factions have resolved all their disputes and effected a compromise (Annexure P-3). Respondent Nos. 2 to 6 did appear before learned Chief Judicial Magistrate, Fazilka, and suffered a joint statement admitting the factum of the compromise.

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

9. The private parties are residing in the same town. On account of parking of a truck owned by Rang Lal (since deceased) in front of the shop of respondent No. 4, Puran Chand,

a quarrel had taken place in which both the private factions had received injuries. Now due to intervention of respectable and elderly people of the society, they have sorted out their grievances and effected a compromise (Annexure P-3). Respondent Nos. 2 to 6 have suffered statements before the learned Court below admitting the factum of the compromise. The report received from the said Court also reveals that the compromise effected between the parties was without any pressure and genuine one.

10. In the matter of **Sube Singh and another v. State of Haryana and another**, 2013 (4) R.C.R. (Criminal) 102, Hon'ble Division Bench of this Court held that where the offences are personal in nature and during pendency of the appeal the affected parties have resolved their disputes and effected a compromise, then the criminal proceedings can be quashed by the High Court while exercising the jurisdiction under Section 482, Cr.P.C.

11. As a sequel to the above discussion, this petition is accepted and DDR No. 32, dated 18.7.2007 (Annexure P-1), recorded at Police Station, City, Abohar, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, treated to be a cross-case arising out of FIR No.

266, dated 27.8.2007, under Sections 148, 323 and 326 read with Section 149, registered at Police Station, City, Abohar, District Ferozepur, and all the consequential proceedings arising therefrom, including the judgment of conviction and the order of sentence, dated 16.4.2014 (Annexure P-2), passed by learned Sub-Divisional Judicial Magistrate, Abohar, are hereby quashed.

February 4, 2015
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(NARESH KUMAR SANGHI)
JUDGE