

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. 10455 of 2015 in/and
CRM No.M-23369 of 2014
Date of decision : May 18, 2015

Inderjit Singh

...Petitioner...

versus

State of Punjab and another

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab.
for respondent No.1.

Mr. Mukesh Kumar Bhatnagar, Advocate,
for respondent No.2.

JASPAL SINGH, J.

CRM No. 10455-2015

For the reasons mentioned in the application moved under Section 482 Cr.P.C. accompanied by an affidavit of Inderjit Singh-petitioner, application is allowed and CRM-M-23369-2014, is pre-poned to be heard today.

The application stands disposed of.

CRM-M-23369-2014

This petition has been preferred under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 52, dated 26.06.2009, under Sections 323, 324, 341, 379, 506, 148 and 149

IPC, registered at Police Station Behram, District Shaheed Bhagat Singh Nagar and all subsequent proceedings emanating therefrom, on the basis of compromise (Annexures P-2, P-5 and P-7) as well order dated 06.04.2013 (Annexure P-3) vide which, petitioner has been declared proclaimed offender in the aforesaid case.

2. At the time of issuance of notice of motion, following order was passed on July 15, 2014:-

“Learned counsel for the petitioner submits that the FIR in the case was registered on 26.06.2009 and the police did not take any action and challan was not presented. He further submits that the petitioner left India on 15.02.2012 and thereafter, he was declared as a proclaimed offender at his back without any service being effected upon him. Learned counsel also submits that there was no intention of the petitioner to avoid service or not to appear before the Court. He further submits that co-accused of the petitioner, namely Pardeep Singh, Jaskaran Singh and Gurjeet Singh have been acquitted of the charge by the trial Court vide judgment dated 14.05.2014. Learned counsel also submits that the petitioner is ready to surrender before the trial Court.

Notice of motion.

Notice on behalf of State of Punjab has been accepted by Mr. T.N. Sarup, Additional Advocate General, Punjab.

Notice on behalf of respondent No.2 has been accepted by Mr. M.K. Bhatnagar, Advocate

Adjourned to 28.10.2014.

However, in case, the petitioner surrenders before the trial Court within a period of two weeks from today, the trial Court is directed to release the petitioner on interim bail to its satisfaction.”

Subsequent thereto on October 28, 2014, following order was passed, which read as under:-

“In compliance of order dated 15.07.2014, the petitioner has surrendered before the trial Court and he has been released on interim bail to its satisfaction. Co-accused of the petitioner have already been acquitted of the charge.

Since this petition has been filed for quashing of FIR on the basis of compromise, let the statements of the parties be recorded. Parties are directed to be present before the trial Court on 13.11.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is directed to 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. The trial Court is also directed to intimate with regard to pendency of any P.O. Proceedings against the parties.

Adjourned to 10.02.2015.”

In compliance of order dated October 28, 2014 as well as order dated July 15, 2014 reflected above, the parties to the present petition appeared before the Id. trial court and got their statements recorded. A report has also been received from the Id. Magistrate through District and Sessions Judge, Shaheed Bhagat Singh Nagar, in which, it has been categorically observed that compromise arrived at between the parties is genuine and is without any pressure or coercion and out of their own free will. Interim bail was also granted to petitioner-Inderjit Singh, in view of order dated July 15, 2014 and due to said reason, petitioner-Inderjit Singh was released on interim bail. Co-accused of petitioner namely, Gurjeet Singh, Jaskaran

Singh and Pardeep Singh have already been acquitted of the charge vide judgment dated May 14, 2014 by the Id. Judicial Magistrate, Ist Class, Shaheed Bhagat Singh Nagar (Annexure P-6).

3. In view of the above I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

4. Consequently, instant petition stands allowed and FIR No. 52, dated 26.06.2009, under Sections 323, 324, 341, 379, 506, 148 and 149 IPC, registered at Police Station Behram, District Shaheed Bhagat Singh Nagar as well order dated 06.04.2013 (Annexure P-3) and all subsequent proceedings emanating therefrom are quashed qua petitioner.

May 18, 2015

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**(JASPAL SINGH)
JUDGE**