

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

CRM-M-23523-2015 (O&M)

Date of Decision: December 21, 2015

Amrit Pal Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Anuj Thakur, Advocate for
Mr.Sunil Agnihotri, Advocate
for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

Mr.Vishal Munjal, Advocate for
Mr.R.S.Rawat, 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)

The present petition, under Section 482, Cr.P.C., has been filed by petitioners-Amrit Pal Singh and Amrik Singh, for quashing of FIR No.162, dated 04.07.2013, for the offences punishable under Sections 295-A and 323 read with Section 34,

IPC, registered at Police Station, Tanda, Tehsil Dasuya, District Hoshiarpur, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 11.07.2015, Annexure P2.

The operative part of the order, dated 22.07.2015 passed by this Court, is as under:-

“Meanwhile, parties are directed to appear before learned trial Court on August 04, 2015 for recording their statements with regard to compromise. 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. Trial Court is also directed to send 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. Trial Court is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.”

Respondent No.2/informant/complainant Balvir Singh suffered the following statement:-

“Stated that FIR no.162 dated 04.07.2013 under Section 295-A, 323, 34, IPC, PS Tanda, Tehsil Dasuya, District Hoshiarpur, was registered against

Amrik Singh, Amritpal Singh and Manjit Singh on my statement. That with the interventions of the respectables of the area a compromise was effected between us. The said compromise is voluntary and without any pressure or coercion. On the basis of this compromise accused persons namely Amritpal Singh and Amrik Singh have filed a quashing petition bearing CRM-M-23523 of 2015 before the Hon'ble Punjab & Haryana High Court which is pending in the Hon'ble Punjab & Haryana High Court for 18.08.2015. I am bound to the terms of said compromise dated 11.07.2015 which is annexure P-II in above titled petition pending before the Hon'ble Punjab & Haryana High Court and I am requesting for the quashing of the present FIR. The accused persons namely Amritpal Singh and Amrik Singh are also present in the Court today.

The report received from learned Judicial Magistrate First Class, Dasuya, reveals that the affected parties had resolved their dispute with the intervention of respectable and relatives, without any pressure or coercion and the same is genuine.

Learned counsel for the State, on instructions from HC Amrik Singh, Police Station, Tanda, District Hoshiarpur, and after going through the copies of the statements and the report received from learned Court below has also fairly conceded that

in view of the compromise so effected between the petitioners and respondent No.2-complainant, the impugned FIR and consequential proceedings be quashed qua the petitioners.

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

Perusal of the FIR registered on the statement of Balvir Singh, respondent No.2/informant/complainant, would reveal that during panchayat elections, a quarrel had emanated in which the petitioners and their co-accused mingled with respondent No.2 and pulled his hair and beard, as a result thereof, the turban of respondent No.2 had fallen down. Legs and fist blows were caused on the person of the informant/complainant. Due to intervention of the respectables and the relatives, both the factions resolved their dispute and effected a compromise, Annexure P2. Statements in that regard have also been recorded which have been reproduced hereinabove. The report received from learned Court below and the statement suffered by the learned counsel for the State after taking instructions from the police official, who has come to assist him, it is abundantly substantiated on record that the affected parties have resolved

their dispute and effected a compromise amicably.

In view of the above and taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter 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), the present petition is allowed. FIR No.162, dated 04.07.2013, for the offences punishable under Sections 295A and 323 read with Section 34, IPC, registered at Police Station, Tanda, Tehsil Dasuya, District Hoshiarpur, and all the consequential proceedings arising therefrom, are quashed qua the petitioners.

December 21, 2015
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(NARESH KUMAR SANGHI)
JUDGE