

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-24706-2015

Date of Decision: December 22, 2015

Dharamveer and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana,
for respondent No. 1.

Mr. Ram Bilas Gupta, Advocate,
for respondent Nos. 2 and 3.

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 this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 401, dated 20.9.2009 (Annexure P-1),
for the offences punishable under Sections 148, 323 and 341 read

with Section 149, IPC, registered at Police Station, Sector 7, Faridabad, and all the consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Vide order dated 29.7.2015, the affected parties were directed to appear before the learned Trial Court/Area Judicial Magistrate, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard to this Court.

In compliance thereof, the affected parties did appear before learned Judicial Magistrate First Class, Faridabad, and got recorded their respective statements with regard to the compromise.

Respondent Nos. 2 and 3-injured/aggrieved persons, namely, Pawan Kumar and Ram Kumar, suffered the following joint statement:-

“ Stated that the matter has been compromised with the accused and I do not want to continue the criminal proceedings arisen from the present FIR against all the accused. This statement is voluntarily given by me without any kind of pressure, undue influence & coercion. There is no P.O proceedings pending us.”

Petitioner Nos. 1 to 5, namely, Dharamveer, Digambar,

Shiboo, Rohtash and Kanhiyalal, also suffered a similar joint statement admitting the factum of the compromise.

The operative part of the report received from learned Judicial Magistrate First Class, Faridabad, is as under:-

“ In view of the statements of the interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear or pressure and that the compromise has been voluntarily arrived at between them.”

Learned counsel for the petitioners submits that a quarrel had originated between the private parties on account of alleged sale of Alcohol by petitioner No. 1, Dharamveer. Due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on 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 (SC), and 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.

Learned counsel for the State on instructions from ASI Ram Kumar of Police Station, Sectr 7, Faridabad, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

Learned counsel for respondent Nos. 2 and 3 also toed the lines of learned counsel for the State. He submits that the affected parties did appear before learned Court below and suffered their joint statement admitting the factum of the compromise with the petitioners. He further submits that he has instructions to state that respondent Nos. 2 and 3 have resolved all the disputes with the petitioners and they have no objection in termination of the impugned FIR and all the consequential proceedings emanating therefrom, on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

The report alongwith statements of the affected parties received from learned Court below would reveal that the informant/injured persons have genuinely effected a compromise with the petitioners and they have no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 401, dated 20.9.2009 (Annexure P-1), for the offences punishable under Sections 148, 323 and 341 read with Section 149, IPC, registered at Police Station, Sector 7, Faridabad, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 22, 2015
Pkapoor