

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

CRM-M-25040-2015 (O&M)

Date of Decision: December 21, 2015

Jagdev Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.G.B.S.Gill, Advocate
for the petitioner.

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

Mr.Tejinder Pal Singh, 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)

CRM-41332-2015

Prayer in this application, filed under Section 482, Cr.P.C., is for rectifying the typographical mistake in the main petition in which the name of the village of the petitioner and that of respondent Nos.2 and 3 has been mentioned as '**Ghall Khurd**'

instead of '**Hakumat Singh Wala**'.

After hearing the learned counsel for the parties, the present criminal miscellaneous application is allowed and the amended memo of parties containing the correct name of village is taken on record.

CRM disposed of.

CRM-M-25040-2015

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.118, dated 24.06.2015, for the offences punishable under Sections 148, 379, 427, 430 and 506 read with Section 149, IPC, registered at Police Station, Ghall Khurd, District Ferozepur, and all the consequential proceedings arising therefrom, on the basis of compromise, Annexure P2.

On 31.07.2015, the following order was passed by this Court:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent Nos.2 and 3, for 02.11.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the

compromise on the date already fixed or some other date to be fixed by it and submit report to this court Court by the adjourned date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.

In compliance of the above, the petitioner, Jagdev Singh as well as respondent Nos.2 and 3, Major Singh (informant/complainant) and Sukhdev Singh did appear before the Court below and got recorded their respective statements with regard to compromise.

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

“Stated that FIR No.118, dated 24.06.2015 under Section 430/ 379/506/427/148/149 IPC was registered against Jagdev Singh son of Darshan Singh on my statement at PS Ghall Khurd. After the registration of FIR the matter has been settled between the parties with the help of respectables and panchayat members. Now no grudge or enmity remain between the parties. The compromise was effected by me with the accused without any coercion or undue influence of any person. In view of the compromise the parties already approached

the Hon'ble High Court for quashing the present FIR.

I have no objection if the present FIR has been disposed off in view of compromise.”

The petitioner-accused also suffered the statement admitting the factum of compromise.

The report received from learned Judicial Magistrate First Class, Ferozepur, would reveal that the compromise so effected between the parties was without any coercion and undue influence.

Learned counsel for the State as well as the learned counsel representing respondent Nos.2 and 3 has also very fairly conceded that during investigation, the allegations are substantiated against the petitioner, Jagdev Singh, only and, as such, Sections 148 and 149 have been deleted. They further admitted that this criminal litigation has arisen between the two real brothers on account of a water channel and due to intervention of the respectable and relatives, they have resolved their dispute and effected a compromise. The offences alleged to have been committed by the petitioner are personal in nature and, as such, they have no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

Learned counsel for the petitioner submits that in view of the compromise so effected, pendency of the FIR and consequential proceedings arising therefrom would be a sheer abuse of the process of law. Learned counsel has placed reliance on 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).

After hearing the learned counsel for the parties, going through the copies of the statements and the report received from learned trial Court and the ratio of the judgments cited above by learned counsel for the petitioner, present petition is allowed. FIR No.118, dated 24.06.2015, for the offences punishable under Sections 148, 379, 427, 430 and 506 read with Section 149, IPC, registered at Police Station, Ghall Khurd, District Ferozepur and all the consequential proceedings arising therefrom are quashed.

December 21, 2015
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(NARESH KUMAR SANGHI)
JUDGE