

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25172-2015

Date of Decision: October 31, 2015

Gurmail Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Maninder Singh, Advocate,
for Mr. Gaurav Sharma, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

None for respondent No. 2.

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. 80, dated 23.6.2010 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Lambi, District Sri Muktsar Sahib, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 31.7.2015, the following order was passed by this

Court:

“ Prayer is for quashing of FIR No. 80 dated 23.06.2010, under Sections 324, 323, 34 IPC, Police Station Lambi, District Sri Muktsar Sahib and all subsequent proceedings arising thereafter on the basis of compromise.

Notice of motion for 25.09.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 04.08.2015 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise vis-a-vis number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

In compliance of above, both the petitioners, namely, Gurmail Singh and Pal Singh @ Harpal Singh @ Sukhpal Singh, as well as respondent No. 2/injured, Iqbal Singh, did appear before learned Judicial Magistrate First Class, Malout, and got recorded their respective statements with regard to the compromise. Copies of the statements of the affected parties and the report has been received from the learned Court below. Respondent No. 2/injured, Iqbal Singh, suffered the following statement:-

“ It is submitted that present case/FIR has been registered on my statement. During this occurrence, I

alone have received injuries. However with the intervention of respectable of village, I have arrived into compromise with accused persons. The Compromise is voluntarily without any pressure, coercion, by other party and with my free will. I have left no grudge against accused. I have no objection if present case FIR is quashed and accused are acquitted from all the charges.”

Similar statements were suffered by the petitioners admitting the factum of the compromise. The report received from learned Judicial Magistrate First Class, Malout, would reveal that the petitioners as well as the injured had suffered voluntary statements admitting the execution of the compromise.

Learned counsel for the State on instructions from ASI Ranjit Singh of Police Station, Lambi, District Sri Muktsar Sahib, very fairly concedes that the quarrel leading to the present criminal litigation had emanated on account of a land dispute. It was a case of version and cross-version and due to intervention of the respectable and elderly people of the society, both the factions have resolved their dispute and effected a compromise and, as such, he has no objection if the impugned FIR and the consequential proceedings arising therefrom are quashed on the basis of the compromise.

After hearing learned counsel for the parties, going through the material available on record 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 matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, this petition is accepted and FIR No. 80, dated 23.6.2010 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Lambi, District Sri Muktsar Sahib, and the consequential proceedings arising therefrom are hereby quashed.

October 31, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE