

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

**C.R.M-M No.26129 of 2014
Date of Decision : 14.12.2015**

Sukhwinder Singh @ Kala and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S. Kamboj, Advocate
for Mr. H.S. Gill, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. Amandeep Singh Rai, Advocate
for respondent Nos.2 to 4. .

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?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.154 dated 09.07.2006, registered under Sections 324, 323, 326, 452, 427, 506, 341, 148, 149 IPC, at Police Station Sadar Ludhiana and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 15.01.2015 the following order was passed in a connected case bearing CRM-M-25914-2014:-

“It appears that one of the co-accused Harpal Singh

Hans is not a party to the present petition and is a proclaimed offender. He has filed a separate petition for quashing of FIR on the basis of compromise as well as the order declaring him proclaimed offender.

Adjourned to April 23, 2015.

Meanwhile, an interim direction is issued that the parties will appear before the trial Court on next date of hearing or any other day fixed by the trial Court. The trial Court will record the statements of all the affected parties and send a report to this Court regarding matter having been compromised voluntarily.

For awaiting the report, to come up on the date fixed.

Meanwhile, Harpal Singh Hans may avail the remedy under Section 438 Cr.P.C. by filing a separate petition before this Court and appear before the trial Court.”

Thereafter, the report of the Judicial Magistrate Ist Class, Ludhiana dated 21.04.2015 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure. However, one of the accused Nirmal Singh has stated that he has not compromised the matter with the complainant.

Thereafter on 08.07.2015 the following order was passed:-

“Report of the learned trial Court has been received, according to which complainant-Bahadur Singh and accused namely, Sukhwinder Singh, Balwinder Singh @ Binder, Tarlochan Singh, Gurcharan Singh, Malkeet Singh, Hoshier Singh and Hardyal singh, had appeared and made statement admitting and accepting the compromise. Nirmal Singh @

Madan Singh has stated that he has not compromised with the complainant however the compromise deed annexed with the petition shows that he too had signed on the same.

It has also been pointed out by learned State Counsel that Hardyal Singh s/o Avtar Singh was arrayed as respondent No.5 in this petition and he had not signed on the compromise deed whereas his statement was recorded by learned trial Court wherein he had stated that the compromise had taken place between him and the complainant-injured.

Adjourned to 01.09.2015.

Parties are directed to appear in person in the Court on the date fixed.”

Thereafter no party has appeared before this Court.

Today the learned counsel for the petitioner has relied upon the judgment of this Court dated 22.09.2015 passed in CRM-M-8891-2015, titled as *Kulbhushan Sharma and others vs. State of Punjab and another*, to contend that in a case where one of the accused has not compromised the matter the FIR can be quashed qua other accused. Learned Deputy Advocate General has not cited any contrary judgment.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, 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.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 14, 2015

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**(AJAY TEWARI)
JUDGE**