

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27487-2015

Date of Decision: November 28, 2015

Kamaldeep

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Dilpreet Singh Gandhi, Advocate,
for Mr. Manoj Sharma, Advocate,
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)

The present petition under Section 482, Cr.P.C., has been filed by Kamaldeep, son of Bhupinder Pal, resident of House No. 49/26, Faizpur, Ward No. 1, Abadi Shukarpura, Batala, District Gurdaspur, for quashing of FIR No. 38, dated 19.4.2015 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427, IPC, registered at Police Station, Maqboolpura, District

Amritsar City, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 19.8.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Amritsar, 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 alongwith copies of the statements to this Court.

In compliance thereof, the petitioner, Kamaldeep, as well as respondent No. 2/informant/injured, Kewal Singh, did appear before learned Chief Judicial Magistrate, Amritsar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/injured, Kewal Singh, suffered the following statement:-

“ I have got registered FIR No. 38 dated 19.4.2015 under section 279/337/338/427 IPC, registered at P.S. Maqboolpura, Distt., Amritsar city against accused Kamaldeep and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. I have arrived at compromise with the accused out of my free will and willful consent. I have no objection, if the FIR No. 38 dated 19.4.2015 under Section 279/337/338/427 IPC, registered at P.S. Maqboolpura, Amritsar is quashed.”

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

The operative part of the report received from learned Chief Judicial Magistrate, Amritsar, is as under:-

“ From the statements of the parties it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine. Hence, the requisite report.”

Learned counsel for the petitioner would contend that except for Section 279 IPC, all the offences for which the petitioner has been booked, are compoundable as per the provisions contained in Section 320 Cr.P.C. He also urged that 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 the 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 after going through the statements and the report received from learned Chief Judicial Magistrate, Amritsar, 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 proxy counsel for respondent No. 2 also submitted that he has instructions to state that both the private parties have resolved their dispute and effected a compromise. He further submits that respondent No. 2 has no objection if the impugned FIR and all the consequential proceedings are quashed 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 there appears to be substance in the submission of learned counsel for the petitioner 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. In the matters of **Gian**

Singh (supra) and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/injured has genuinely effected a compromise with the petitioner and he has 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. 38, dated 19.4.2015 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427, IPC, registered at Police Station, Maqboolpura, District Amritsar City, and all the consequential proceedings arising therefrom are hereby quashed.

November 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE