

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27994-2015

Date of Decision: December 5, 2015

Gurdev Singh and another

...Petitioners

Versus

Amrik Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Swarn Tiwana, Advocate, for the petitioners.

Mr. Amaninder Preet, Advocate, for respondent No. 1.

Mr. K.S. Pannu, DAG, Punjab, 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 Gurdev Singh and Amandeep Singh, for quashing of Complaint No. 10, dated 5.3.2012 (Annexure P-1), for the offences punishable under Sections 295-A, 323 and 506, IPC, and Section 3(X) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act 1989, the summoning order dated 25.5.2013 (Annexure P-2), and all the consequential

proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide order dated 24.8.2015, the affected parties were directed to appear before the learned Trial Court, 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, both the petitioners as well as respondent No. 1/complainant, Amrik Singh, did appear before learned Additional Sessions Judge, Fatehgarh Sahib, and got recorded their respective statements with regard to the compromise.

Respondent No. 1/complainant, Amrik Singh, suffered the following statement:-

“ I have compromised the matter with the accused Gurdev Singh and Amandeep Singh vide compromise entered into amongst us on 31.7.15. This compromise has been made by me with the accused voluntarily and my free will and without any pressure.”

The petitioners also suffered similar statements admitting the factum of the compromise.

The operative part of the report received from learned Court below is as under:-

“ Statement of complainant Amrik Singh and accused Gurdev Singh and Amandeep Singh, all residents of village Hawara Kalan, PS: Khamano, District Fatehgarh Sahib have been separately recorded. All of them have stated that they have entered into a compromise on 31.7.15 which is voluntary, by their free will and without any pressure. From the above statements, it is clear that compromise which has been arrived at between the parties of this case is in fact voluntary, out of the free will of the parties and without any pressure..”

Learned counsel for respondent No. 1/complainant submits that due to intervention of the respectable and elderly people of the society, the matter has been resolved and both the factions have effected a compromise (Annexure P-3). He further submits that respondent No. 1/complainant, Amrik Singh, did appear before learned Court below and suffered his statement admitting the factum of the compromise and, as such, he has no objection if the impugned complaint and all the subsequent proceedings emanating therefrom are quashed on the basis of the compromise.

Learned counsel for the State has also toed the

submissions made by learned counsel for respondent No. 1/ complainant and has no objection if the present criminal litigation is ordered to be terminated on the basis of the compromise.

Learned counsel for the petitioners submits that on account of a petty matter, quarrel had emanated between the co-villagers. Now the matter has been resolved and, as such, pendency of the impugned complaint 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.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the offences alleged to have been committed by the petitioners are personal in nature. Both the parties have resolved their dispute and effected a compromise (Annexure P-3). Copies of the statements as well as the report received from learned

Court below would verify the stand taken by learned counsel for the parties. There appears to be substance in the submission of learned counsel for the petitioners 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.

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 the impugned complaint (Annexure P-1) for the offences punishable under Sections 295-A, 323 and 506, IPC, and Section 3(X) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act 1989, and the summoning order dated 25.5.2013 (Annexure P-2), and all the consequential proceedings arising therefrom are hereby quashed on the basis of compromise (Annexure P-3).

(NARESH KUMAR SANGHI)
JUDGE

December 5, 2015
P Kapoor