

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28312-2015

Date of Decision: December 21, 2015

Jitender Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Imran Farooqi, Advocate,
for Mr. Parvez Akhtar, 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. 86, dated 26.10.2013, for the offences punishable under Sections 148, 323, 341 and 506 read with Section 149, IPC, registered at Police Station, PAU, Ludhiana, and all the consequential proceedings arising therefrom, on the basis of the compromise.

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, the affected parties did appear before learned Judicial Magistrate First Class, Ludhiana, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Rajwinder Singh, suffered the following statement:-

“ Stated that I have compromised the matter with the accused persons in FIR No. 86 dated 26.10.2013, PS PAU, Ludhiana with the intervention of the respectable members of the society and I am giving my statement regarding the compromise in present court on my free will and without any pressure from any corner. In lieu of the compromise dated 29.7.2015, I do not want to pursue with the present case and I have no objection if the present FIR is quashed.”

The petitioners, namely, Jitender Singh, Dildeep Singh, Karamjit Singh, Jagbir Singh and Bhavtaran Singh also

suffered a joint statement admitting the factum of the compromise.

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

“ In compliance of the above said order, complainant as well as accused appeared before the court and got recorded their statement in which they stated that they have compromised the matter with the intervention of respectable members of society and giving their statements regarding compromise with their free will and without any pressure from any corner and in lieu of compromise dated 29.7.2015. Complainant has specifically stated that he does not want to pursue with the present case and has no objection if the present FIR is quashed.”

Learned counsel for the petitioners has pointed out that due to party faction of the students with regard to elections of the Student Association of Punjab Agricultural University, Ludhiana, a quarrel had originated between the parties. 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 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 on instructions from SI Karnail Singh of Police Station, PAU, Ludhiana, and after going through the statements and the report received from learned Court below, 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.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds 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.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person has genuinely effected a compromise with the petitioners 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. 86, dated 26.10.2013, for the offences punishable under Sections 148, 323, 341 and 506 read with Section 149, IPC, registered at Police Station, PAU, Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 21, 2015
Pkapoor