

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-31336 of 2013

Date of Decision: 23.4.2015

Balraj Singh alias Balla and Others

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Jaspreet Singh Parmar, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. H.S.Jalal, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Balraj Singh alias Balla, Varinder Singh, Nrinder Singh, Ranjit Kaur, Daljit Singh, Sarabjit Kaur, Palwinder Singh alias Pida and Rajinder Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 38 dated 13.9.2010, registered under Sections 323, 325, 148 & 149 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Khalchian, District Amritsar and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 20.5.2014, this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the

concerned parties.

3. In compliance of the aforesaid order, vide letter dated 17.7.2014, learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib has sent his report through the learned District & Sessions Judge, Amritsar along with the copies of the statements of the parties. Thereafter, he sent his subsequent report vide letter dated 7.2.2015. The operative part of the report of the learned Magistrate is reproduced as under:

“As per the directions of Hon'ble High Court, parties (i.e. Balraj Singh @ Balla, Varinder Singh, Narinder Singh, Anjit Kaur, Daljit Singh, Sarabjit Kaur, Palwinder Singh @ Pinda and Rajinder Singh, petitioners/accused and Sukhwant Singh complainant/respondent No.2) appeared in the court of undersigned on 2.7.2014 for furnishing their statements. In this regard, Sh. Sukhwant Singh, complainant/respondent No.2 suffered separate statement to the effect that present case was registered on his statement against said petitioners/accused persons and now matter has been compromised with the accused persons with the intervention of respectables of the village and as such he has no objection if FIR no. 38/2010 u/s 323, 325, 148 read with section 149 IPC pending against the accused before this Court, is quashed. He has also placed on record photostat copy of compromise Ex.C1. He further stated that compromise has been entered into in between the parties voluntarily, without any kind of pressure or coercion. On the other hand, said accused/petitioners also suffered their statement jointly on the same lines and further stated that they are living peacefully and also relied upon the said compromise Ex.C1. After considering the same the undersigned is of the opinion that

said compromise has been entered into in between the complainant and accused persons voluntarily, with free will and without any threat or coercion and same is genuine one. The original statements of the parties and compromise/documents are being sent along with this report as desired.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 323, 325, 148 & 149 IPC on the basis of report received from the office of the Superintendent of Police,

Amritsar (Rural). In the report, it has been stated that complainant Sukhwant Singh was married with petitioner No.6-Sarabjit Kaur about 20 years ago. The complainant was doing job as a Security Guard in the Canara Bank at Jalandhar. He had purchased a plot measuring 4 marla wherein a house was constructed for a sum of ₹ 3,50,000/- and sale deed was made in favour of his wife Sarabjit Kaur. About 3/4 months thereafter, Sarabjit Kaur, in connivance with her parental family, had sold the said house for a sum of ₹ 4,65,000/- without seeking permission of the complainant. When the complainant had questioned about it and asked her to deposit the sale consideration in the name of children, Sarabjit Kaur did not agree to it, which gave rise to the dispute between them. Thereafter, Sarabjit Kaur left her matrimonial home along with her children. On 23.3.2010 at about 10.30/11.00 P.M., Sarabjit Kaur along with her brothers entered into the house of the complainant along with the respective weapons after scaling over its wall. They gave injuries to the complainant. In this manner the present FIR was got registered.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the

proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 38 dated 13.9.2010, registered under Sections 323, 325, 148 & 149 IPC, at Police Station Khalchian, District Amritsar and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

April 23, 2015
"DK"