

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30357-2015

Date of Decision: December 5, 2015

Kulvir Singh @ Kulveer Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vivek Goel, Advocate,
for the petitioner.

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

Mr. Vikram Anand, 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 Kulvir Singh @ Kulveer Singh, for quashing of FIR No. 123, dated 29.6.2011 (Annexure P-1), for the offences punishable under Sections 420, 465, 468 and 471, IPC, registered at Police Station, City, Moga, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 9.9.2015, 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, respondent No.2/ informant/ aggrieved person as well as the petitioner did appear before learned Judicial Magistrate First Class, Moga, and got recorded their respective statements with regard to the compromise.

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

“ FIR No. 123 dated 29.6.2011 under sections 420, 465, 468, 471 IPC was registered at PS City Moga, at my instance against accused Thana Singh (now deceased) and Kulvir Singh son of Thana Singh residents of village Khukrana Tehsil and District Moga. Now with the intervention of respectables members of our village, a compromise has been effected between us. I am giving this statement without any pressure or coercion. The compromise is for the benefit of both the parties. I have no objection if the above said FIR is quashed.”

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

The operative part of the report received from learned

Court below is as under:-

“Complainant stated that he is making his statement without any undue influence and fear as he has effected compromise with accused Kulvir Singh with the intervention of the respectables of the society and he has no objection if the Honorable High Court quashes the said FIR against Kulvir Singh. Accused Thana Singh had since been died. Statement of accused Kulvir Singh Age 25 years son of Thana Singh resident of village Khukrana Tehsil and District Moga, has also been got recorded, wherein he stated that he has effected compromise with the complainant with the intervention of respectables and that he has not pressurized the complainant to give statement. Thus, under these circumstances, the compromise between the complainant and accused Kulvir Singh seems to be genuine and without any pressure or coercion.”

Learned counsel for the petitioner submits that the offences alleged to have been committed by the petitioner and his father, who has since died, are personal in nature. The dispute regarding execution of the sale deed has been resolved since the petitioner has executed the sale deed in favour of respondent No.2/informant, Anokh Singh. He further submit that due to intervention of respectable and elderly people of the society, the dispute as been resolved. 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 judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582 and **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 as well as learned counsel representing respondent No. 2 have fairly admitted that both the private parties have resolved their dispute and effected a compromise. They are further unison that the dispute was with regard to registration of the sale deed, which has now been executed by the petitioner in favour of respondent No. 2. They further fairly admitted that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioner and his father were personal in nature. They have 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

the allegations levelled by respondent No. 2 were with regard to execution of the sale deed, which has now been executed by the petitioner in his (respondent No. 2) favour. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

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 petitioner are bleak in view of the compromise so effected between the private parties.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

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/aggrieved person 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 **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted FIR No. 123, dated 29.6.2011 (Annexure P-1), for the offences punishable under Sections 420, 465, 468 and 471, IPC, registered at Police Station, City, Moga, and all the consequential proceedings arising therefrom are hereby quashed.

December 5, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE