

**249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-36531-2015 in/and

CRM-M-31505-2015

Date of Decision: December 08, 2015

DEV SINGH AND OTHERS

....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rahul Jaswal, Advocate,
for the applicant/petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. Vivek Thakur, Advocate
for respondent No.2.

NARESH KUMAR SANGHI, J

CRM-36531-2015

Prayer in this Criminal Misc. application is for placing on record the amended prayer clause for addition of Section 326 I.P.C., in the main petition. The copy of the application alongwith amended prayer has been supplied to the learned counsel opposite.

After hearing counsel for the parties, the present Criminal Misc. application is allowed and the amended prayer clause is taken on record.

CRM stands disposed of.

CRM-M-31505-2015

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 62, dated 31.08.2015, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149 IPC, registered at Police Station, Dhilwan, District Kapurthala, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 16.09.2015, the affected parties were directed to appear before learned Chief Judicial Magistrate, Kapurthala for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send the copies of the statements alongwith his/her report to this Court.

In compliance of the above, the petitioners (six in number) as well as informant/injured/respondent No.2- Charanjit Singh, did appear before the Court below and suffered their statements admitting the factum of compromise. Charanjit Singh suffered the following statement with regard to compromise:-

"Stated that, I am the complainant/aggrieved party of the present case. I have effected compromise with accused/petitioners Dev Singh son of Amar Singh son of Kehar Singh, aged about 55 years, Agriculturist, Gurdeep Singh @ Jatt son of Makhan Singh son of Sewa Singh, aged about 25 years, Agriculturist, Jagjit Singh son of Kulwinder Singh son of Sewa Singh, aged about 19 years, Student, Harjinder Singh son of Amar Singh son of Kehar Singh, aged about 47 years, Agriculturist, Jaggi @ Jagoop Singh son of Dev Singh son of Amar Singh, aged about 28 years, Agriculturist and Satti son of Rana @ Ranjit Singh son of Jagir Singh, aged about 20 years, Student, All residents of village Bhandal Bet, PS Dhillwan, District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties as we belong to same village. I do not want to pursue this case further. I have no objection if the quashing petition filed under Section 482 Cr.P.C. being 118 CRM-M-31505 of 2015 pending before the Hon'ble Punjab & Haryana High Court, Chandigarh is allowed".

Similarly a joint statement was suffered by all the petitioners.

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

"....They have compromised the matter with the above said complainant voluntarily without any pressure, threat or coercion through the respectables of the locality, to keep harmony amongst the parties. So in this way none of the above said persons have disputed the factum of compromise having been effected between the complainant party and the accused seems to be resolved amicably, is genuine and without any threat, coercion or pressure".

Sh. Vivek Thakur, Advocate representing respondent No.2-Charanjit Singh has fairly admitted the factum of compromise effected by him (respondent No.2) with the petitioners. He further submits that he has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for the State, on instructions from ASI Amarjit Singh of Police Station Dhilwan, Dist. Kapurthala has also admitted the factum of compromise and has no objection in the termination of the present criminal litigation on the basis of compromise.

Learned counsel for the petitioners submits that it is a case of version and cross-version; both the parties had received the injuries; due to intervention of the respectable and elderly people of the society, a compromise has been effected in both the cases and that pendency of the FIR and consequential proceedings would be a sheer abuse of law since chances of conviction and sentence of the petitioners are bleak. He further submits that in view of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh Vs. State of Punjab and another 2012 (4) RCR (Criminal) 543**, the High Court can quash the proceedings despite the fact that some of the offences are non-compoundable.

After hearing learned counsel for the parties and going through the ratio of the judgment in the matter of ***Gian Singh's*** case (supra), this Court finds that offences alleged to have been committed by the petitioners are personal in nature. It is a case of version and cross-version and the affected parties have resolved their dispute in both the cases and as such, FIR No. 62, dated 31.08.2015, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149 IPC, registered at Police Station, Dhilwan, District Kapurthala, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 08, 2015
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