

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-31780 of 2015

Date of Decision : 15.12.2015

Jaideep Singh @ Jappy and another

... Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present : Mr.Ashok Kumar Sama, Advocate
for the petitioners.

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

Mr.Ajay Kamboj, Advocate for
Mr.V.P.S.Mithewal, Advocate
for respondent Nos.2 and 3.

Naresh Kumar Sanghi, J. (Oral)

Prayer in this petition is for quashing of FIR No.72,dated 11.08.2015, for the offences punishable under Sections 148, 323, 324, 452 and 506 read with Section 149, IPC, registered at Police Station, Jodhan, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of the compromise (Annexure P/2).

Vide order dated 17.09.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Ludhiana for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its detailed report in this regard alongwith

copies of the statements to this Court on or before the adjourned date.

In compliance of the above, respondent Nos.2 and 3 did appear before the court below and got recorded their respective statements.

Harinder Singh has suffered the following statement:-

“Stated that present case bearing FIR no.72 dated 11.8.2015 u/s 148/323/324/452/506 read with Section 149 IPC PS Jodhan, Ludhiana has been registered against Jaideep Singh @ Jappy and Pardeep Singh on my statement. Now with intervention of respectables, the matter has been compromised between me and accused persons and regarding the same a petition under Section 482 of Cr.P.C quashing the FIR was filed by accused persons in Hon'ble Punjab and Haryana High Court and the Hon'ble High Court vide its order dated 17.09.2015 had directed the party to get their statements recorded. Since I have compromised the matter with the accused persons and the same is genuine. So I do not want to pursue with the present case. Present compromise is with my free consent without any pressure, threat and coercion. I have no objection if the present case be quashed. I have also produce my I.D. i.e. Adhar Card which is bearing my signature.”

The similar statements admitting the factum of compromise were suffered by both the petitioners.

The report received from learned Chief Judicial Magistrate, Ludhiana is as under:-

“I have the honour to submit that this Court had received an order passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh in CRM No.M-31780 of 2015 dated 17.09.2015 whereby the court of undersigned was directed

to record the statement of the effected parties regarding the matter having been compromised in case FIR No.72 of 11.08.2015 of under Section 148, 323, 324, 452 and 506 of IPC Police Station Jodhan Ludhiana, and to send a report accordingly and in compliance with the same, Harminder Singh (Complainant), Pritpal Kaur (wife of complainant) and Jaideep Singh @ Jappy and Pardeep Singh (accused) appeared before court of undersigned and their separate statements have been recorded. In view of the statement so suffered by the parties, this court is of the considered view that the parties have arrived at a compromise with their free consent and voluntarily. Photocopies of statement of effected parties so recorded are enclosed herewith are attached herewith for kind consideration of Hon'ble High Court of Punjab and Haryana. Hence, this compliance report of order dated 17.09.2015 passed by Hon'ble High Court of Punjab and Haryana at Chandigarh is hereby submitted for kind perusal of the Hon'ble High Court of Punjab and Haryana and for further necessary orders."

Learned counsel for the petitioners contends that during the Football and Basketball match, the dispute arose between the private parties and as such, simple injuries were caused to Harminder Singh and Pritpal Kaur, respondent No.2 and 3 respectively. He further submits that during the pendency of the investigation, the better sense has prevailed and both the private factions have resolved their dispute and effected a compromise, Annexure P-2. He further points out that under the direction of this Court, the affected parties appeared before the Court below and got recorded their respective statements. Report in this regard has also been received and as such, the chances of conviction and sentence of the petitioners are very

bleak.

Learned State counsel on instructions from ASI-Jarnail Singh of Police Station Jodhan, Ludhiana also admits the fact that a quarrel had taken place on account of playing of the Football and Basketball games. He further admits that both the injured namely Harminder Singh and Pritpal Kaur have received simple injuries. Respondents No.2 and 3 are living normal life at present.

Learned counsel for respondents No.2 and 3 has also admitted the factum of compromise and has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that a quarrel had originated during the course of Football and Basketball games. Respondent Nos.2 and 3 had received simple injuries which have healed and both of them are living normal life.

This Court also finds that there is substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be an 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.

As sequel to the above and taking into consideration

the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543 (SC)**, this petition is allowed and FIR No.72,dated 11.08.2015, for the offences punishable under Sections 148, 323, 324, 452 and 506 read with Section 149, IPC, registered at Police Station, Jodhan, District Ludhiana, and all the consequential proceedings arising therefrom, are hereby quashed.

[Naresh Kumar Sanghi]
Judge

15.12.2015
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