

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

CRM-M-34567-2013

Date of Decision: December 15, 2015

Inderjit Singh @ Kala and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. S.S. Goraya, Advocate,
for the petitioners.

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

Mr. Abinashi Singh, Advocate, for
Mr. Vivek Salathia, Advocate,
for Respondent Nos. 2 and 3.

- 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?***

MR. NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 79, dated 16.08.2013, for the offences
punishable under Sections 148, 323, 324 and 379, read with

Section 34, IPC, registered at Police Station, Sadar, District Gurdaspur (Annexure P-1) and all the consequential proceedings emanating therefrom on the basis of compromise (Annexure P-2).

Vide order, dated 26.08.2014, the affected parties were directed to appear before learned Area Judicial Magistrate for getting their respective statements recorded. The said Court was also directed to send its report along with statements of the parties.

In compliance of the above, all the petitioners, except Lalli @ Satinder Singh, petitioner No. 5, as well as Amandeep Singh and Balwinder Singh, respondent Nos. 2 and 3, respectively, did appear before the Court below and got recorded their respective statements admitting the factum of compromise.

Balwinder Singh suffered the following statement:

“That the present case FIR No. 79 of 16.08.2013 under Sections 323, 324, 379, 148, 149 of Indian Penal Code was registered at Police Station Sadar, Gurdaspur, on the statement of Amandeep Singh son Sarup Singh against the accused Inderjit alias Kala, Jagdeep Singh alias Deepa, Gurwinder Singh alias Pinda,

Taljinder Singh alias Babbu and Lalli alias Satinder Singh (respondent no. 1 to 5). I also had received injuries on my person in this incident. Now with the intervention of respectable of the village the matter has been compromised out of our free will and volition without there being any coercion, threat or pressure from any body. Today also I have suffered this statement without any coercion, threat or pressure and out of my free will. I shall remain bound by the terms of the compromise dated 03.10.2013 which bears my signature. I have no objection if the above said FIR is quashed by Hon'ble High Court. No other criminal case is pending against me."

Amandeep Singh suffered the following statement:

"I have entered into compromise with accused persons (petitioners) namely, Inderjit Singh @ Kala, Jagdeep Singh @ Deepa, Gurwinder Singh @ Pinda, Taljinder Singh @ Bannu and Lalli @

Satinder Singh. The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now I have no grudge against accused persons (petitioners). I have no objection, if the present FIR and subsequent proceedings are quashed against accused persons (petitioners)."

The report received from the Court below would reveal that the compromise effected between the parties was genuine one.

Learned counsel for the petitioners submits that on account of a petty issue, the quarrel had originated in which Amandeep Singh and Balwinder Singh, respondent No. 2 and 3, respectively, had received the simple injuries. During the pendency of the case before the Court below, the better sense has prevailed and both the private parties have resolved their dispute and effected a compromise (Annexure P-2). He further submits that the injured persons, namely Amandeep Singh and Balwinder Singh, respondent Nos. 2 and 3, respectively, did appear before the Court below and suffered their statements

admitting the factum of compromise and, as such, the pendency of the impugned FIR and all the consequential proceedings emanating therefrom, would be a sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab, 2012 (4) RCR (Criminal) 543** and a 5-Judge Bench judgment of this Court in the matter of **Kulvinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052.**

Learned counsel for the State on instructions from Head Constable Nirmal Singh of Police Station Sadar, Gurdaspur, has also admitted the factum of compromise effected between the parties and 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 respondent Nos. 2 and 3 has also admitted the factum of compromise. He, too has no objection, if the present criminal litigation going between the private parties is terminated on the basis of compromise and the statements suffered by respondent Nos. 2 and 3.

After hearing learned counsel for the parties and noticing the facts narrated hereinabove, this Court is also of the considered opinion that pendency of the present criminal

litigation would be a futile exercise, since the chances of conviction and sentence of petitioners are bleak.

As a sequel to the above and taking into consideration the ratio of the judgments cited by learned counsel for the petitioners, FIR No. 79, dated 16.08.2013, for the offences punishable under Sections 148, 323, 324 and 379 read with Section 34, IPC, registered at Police Station, Sadar, District Gurdaspur (Annexure P-1) and all the consequential proceedings emanating therefrom, are hereby quashed.

December 15, 2015
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(NARESH KUMAR SANGHI)
JUDGE