

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32352-2015

Date of Decision: November 28, 2015

Kuljeet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Mehar Singh, Advocate,
for the petitioners.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for respondent No. 1.

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 Kuljeet Singh, Gurwinder Singh and Zahid Amin Dar, for quashing of FIR No. 117, dated 24.6.2015 (Annexure P-1), for the offences punishable under Sections 380 and 411, IPC, registered at Police Station, Mataur, S.A.S. Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 21.9.2015, 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, all the three petitioners as well as respondent No. 2/informant/aggrieved person, Mudasir Ahmad @ Madayar Ahmad, did appear before learned Judicial Magistrate First Class, S.A.S. Nagar (Mohali), and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Mudasir Ahmad @ Madayar Ahmad, suffered the following statement:-

“ I have compromised the matter relating to FIR No. 117 dated 24.06.2015 u/s 380/411 IPC, PS Mattaur with accused namely Zahid Amin Dar, Gurwinder Singh and Kuljeet Singh. I have seen the copy of the compromise deed, copy of which is EX. P1 which bears my signatures as well as the signatures of all the accused and attesting witnesses namely Gurpreet Singh and Naib Kaur. The same was entered out of my own free will and consent and without any coercion or pressure from any corner. I have no objection if the present FIR against all the accused is quashed as per the above said compromise.”

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

The operative part of the report received from learned Judicial Magistrate First Class, S.A.S. Nagar (Mohali), is as under:-

“ From the statements of the complainant and that of the accused, I am satisfied that the compromise between the parties which appeared before the undersigned is genuine and without any coercion or undue influence from any corner.”

Learned counsel for the petitioners urged that due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). 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 judgment of Hon'ble the Supreme Court delivered in the case of **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 after going through the statements and the report received from learned Judicial Magistrate First Class, S.A.S. Nagar (Mohali), very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has 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 there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be 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.

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 petitioners 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 **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 117, dated 24.6.2015 (Annexure P-1), for the offences punishable under Sections 380 and 411, IPC, registered at Police Station, Mataur, S.A.S. Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

November 28, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE