

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-3459 of 2015

Date of Decision: 8.5.2015

Gurnam Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Sandeep Jasuja, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for respondents No.1 to 3.

Mr. Kapil Khanna, Advocate
for respondent No.4.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 183 dated 24.12.2009, registered under Sections 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Jalalabad City, District Ferozepur and all the subsequent proceedings on the basis of the compromise deed dated 11.4.2014 (Annexure P2).

2. Vide order dated 18.2.2015 a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the

statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Sub Divisional Judicial Magistrate, Jalalabad through the learned District & Sessions Judge, Ferozepur along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“On dated 13.03.2015, Darshan Singh – the complainant as well victim and Gurnam Singh, Resham Singh and Gurinder Pal Singh – the accused appeared before this Court and got their statements recorded. Darshan Singh – the complainant as well victim suffered a statement to the effect that he has compromised the matter with the accused with his free consent. As per the compromise, the accused Gurnam Singh made a statement in the Lok Adalat for setting aside of the sale deed. The award was passed in the Lok Adalat in his favour and he has take possession of the disputed land. Therefore, he does not now want to proceed with the present proceedings against the accused. He has got no objection if the present FIR and all the consequential proceedings arising therefrom are quashed. The deed of compromise executed between the parties has already been submitted in original to the Hon'ble High Court.

Likewise, Gurnam Singh, Resham Singh ad Gurinder Pal Singh – the accused suffered a separate joint statement to the effect that they have entered into a compromise with the complainant Darshan Singh. The compromise has been effected in order to maintain and promote peace and harmony between them. The present FIR and all the consequential proceedings arising therefrom may kindly be quashed. They assure to commit no offence, in future.

From the complainant Darshan Singh and the accused – Gurnam Singh, Resham Singh and Gurinder Pal Singh's statements before this Court, I am of the opinion that the complainant has arrived at the compromise with the accused with his free consent and without any kind of undue influence or pressure. The compromise between the parties seems to be valid, genuine and voluntary one. As per the record, there are at present three accused – Gurnam Singh, Resham Singh, and Gurinder Pal Singh facing the trial. The case is at present pending for recording the accused' evidence in defence.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are

quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 420, 465, 467, 468, 471 & 120-B IPC on the allegations that Chakkar Singh, father of the complainant, was 90 years old and was owner of the land at Jalalabad. He was not in his good mental state for about one year. The complainant came to know that the land, owned by his father Chakkar Singh, was sold to petitioner No.1 Gurnam Singh vide sale deed dated 13.3.2009 and vasika No. 5508. Petitioner No.1 Gurnam Singh in connivance with other petitioners had impersonated Chakkar Singh, father of the complainant, by some other person and got registered the sale deed. The complainant stated that on 13.3.2009, his father was seriously ill and was bed-ridden. At the time of execution of the sale deed, his father was residing in Rajasthan and he always signed in Urdu language. The petitioners, in connivance with revenue officials intended to grab the property of the father of the complainant by impersonating him with some other person. On 27.2.2009, one Kashmir Singh received a copy of jamabandi from the Halka Patwari with the intention to get the sale deed registered in favour of Gurnam Singh. The complainant stated that his father Chakkar Singh had never executed sale deed in favour of Gurnam Singh, instead his father had executed power of attorney in favour of the complainant. The complainant requested for taking appropriate legal action against the erring petitioners.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Sub Divisional Judicial Magistrate

and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 183 dated 24.12.2009, registered under Sections 420, 465, 467, 468, 471 & 120-B IPC at Police Station Jalalabad City, District Ferozepur and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

May 8, 2015

"DK"