

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35795-2015

Date of Decision: December 21, 2015

Kamaljit Singh @ Kala

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

None for respondent No. 2.

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)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 85, dated 24.7.2015, for the offence punishable under Section 324, IPC, registered at Police Station, Dhariwal, Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of the compromise.

Vide order dated 16.10.2015, the affected parties were directed to appear before the learned Chief Judicial

Magistrate, Gurdaspur, 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, the affected parties did appear before learned Chief Judicial Magistrate, Gurdaspur, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Paramjit Singh, suffered the following statement:-

“ Stated that a FIR No. 85 dated 24.07.2015, under Section 324 Indian Penal Code was registered at police station Dhariwal, District Gurdaspur (Punjab) against accused on my statement. Now with the intervention of respectables the matter has been compromised. Therefore, I do not want to pursue the present case. I have no objection, if the present FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise. I have suffered this statement voluntarily without any coercion or undue influence.”

The petitioner, Kamaljit Singh @ Kala, also suffered the statement admitting the factum of the compromise.

The operative part of the report received from

learned Court below is as under:-

“from the statements of the parties, it appears that compromise is genuine and voluntary.”

Learned counsel for the petitioner has pointed out that due to a trivial issue of mixing of pigeons of the private parties, a quarrel had originated and the impugned FIR was lodged by respondent No. 2/informant. However, 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 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 on instructions from ASI Kuljeet Singh of Police Station, Dhariwal, District Gurdaspur, and after going through the statements and the report received from learned Court below, 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 substance in the submission of learned counsel for the petitioner that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner 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 petitioner 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. 85, dated 24.7.2015, for the offence punishable under Section 324, IPC, registered at Police Station, Dhariwal, Gurdaspur, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 21, 2015
Pkapoor