

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-36620-2015

Date of Decision: December 22, 2015

Sandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

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

None 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?*

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 38, dated 3.6.2014 (Annexure P-1), for
the offences punishable under Sections 279, 337 and 338, IPC,
registered at Police Station, Bhadaur, District Barnala, and all the

consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Vide order dated 28.10.2015, 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 of the above, Daljeet Singh, informant/respondent No. 2 and Ranjit Singh, respondent No. 3 and father of Husanpreet Singh (injured) as well as petitioner, Sandeep Singh, did appear before learned Principal Magistrate, Juvenile Justice Board, Barnala, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Daljeet Singh, suffered the following statement:-

“ Stated that on dated 02.06.2014 at about 08.00 PM my nephew Husanpreet Singh suffered injuries in the accident caused by the Juvenile Sandeep Singh with his motor-cycle no. PB-19H-0923 which was being driven by him. During the trial of this case I had deposed against the juvenile on dt. 12.08.2015 but on dt. 26.08.2015 the Panchayat members and respected

persons of our village had compromised the matter between me and Darshan Singh father of the Sandeep Singh. I do not want to proceed further with the case against the Sandeep Singh. I photocopy of the compromise is Ex. PA and it bears my signatures and identify the same. The copy of my statement is Ex. PB it bears my signatures and I identify the same.”

The petitioner, Sandeep Singh, also suffered the statement admitting the factum of the compromise.

The operative part of the report received from learned Court below, is as under:-

“ This court, after hearing the parties in persons alongwith their counsel and after going through the statements recorded in the court, is of the opinion that the present petition has been filed on behalf of juvenile and juvenile has not proclaimed offender. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as juvenile are not the result of any pressure and coercion. No other case of the parties is pending before the court except this case. The statements recorded by the parties are enclosed herewith.”

Learned counsel submits that without permission of his father, Sandeep Singh (petitioner) had carried away the

motorcycle and hit the same with Husanpreet Singh, son of respondent No. 3, Ranjit Singh. As a result thereof, Husanpreet Singh had suffered injuries. During pendency of the trial, better sense has prevailed and Ranjit Singh effected a compromise on behalf of his son, Husanpreet Singh. The lodger of the FIR as well as Ranjit Singh did appear before learned Court below and suffered the statements admitting the factum of the compromise and, as such, pendency of the trial arising out of the impugned FIR would be sheer abuse of the process of law. He further submits that except Section 279, IPC, all the offences for which the petitioner has been booked, are compoundable. He further submits that in the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), Hon'ble the Surpeme Court has ruled that if non-compoundable offence is personal in nature, then the High Court while exercising the jurisdiction under Section 482, Cr.P.C., can terminate the criminal proceedings, on the basis of compromise.

Learned counsel for the State after obtaining instructions from ASI Paramjit Singh of Police Station, Bhadaur, District Barnala, and going through the copies of 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 finds that Ranjit Singh, who is father of Husanpreet Singh, has consciously and without any inducement, threat or coercion and also in the interest of his son, has sorted out the dispute and effected a compromise with the petitioner. In view of the compromise so effected, it is unlikely that the prosecution would be able to get the verdict of guilt against the petitioner.

As result of the above discussion, and taking into consideration the ratio of the judgment passed by Hon'ble the Supreme Court in the matter of **Gian Singh (supra)**, this petition is accepted and FIR No. 38, dated 3.6.2014 (Annexure P-1), for the offences punishable under Sections 279, 337 and 338, IPC, registered at Police Station, Bhadaur, District Barnala, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 22, 2015
Pkapoor