

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-36795-2015

Date of Decision: December 21, 2015

Kavita Rani @ Muna and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kuldeep Singh Saini, Advocate,
for the petitioners.

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

Mr. Harinder Singh, Advocate,
for Mr. H.S. Aujla, Advocate,
for respondent Nos. 2 to 5.

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. 37, dated 23.4.2009 (Annexure P-1), for
the offences punishable under Sections 148, 323, 342 and 506

read with Section 149, IPC, registered at Police Station, Anandpur Sahib, District Ropar, and all the consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

Vide order dated 29.10.2015, 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 thereof, the affected parties did appear before learned Sub-Divisional Judicial Magistrate, Anandpur Sahib, and got recorded their respective statements with regard to the compromise.

The informant, Ram Gopal and injured persons, namely, Rishi Kapoor, Surinder Pal and Meenu Kapoor, suffered the following joint statement:-

“ Stated that in the present case FIR No. 37 dated 23.4.2009 was registered on statement given by the complainant Ram Gopal to the police. We have entered into compromise with the accused Om Parkash, Avtar Singh, Shashi Kapoor, Rajesh Kumar, Kavita Rani and Rajni Bala with the intervention of the respectables of

the village and our family members and now we do not want to take any action against the accused. We have entered into compromise with the accused out of our own free will and without any undue influence and pressure from any side. We have no objection if the FIR of the present case is quashed. We have seen the copy of compromise dated 3.10.2015 which is Mark-A and we identify our signatures on the same.”

Petitioner Nos. 1 to 6, namely, Kavita Rani @ Muna, Rajni Bala, Avtar Singh, Shashi Kapoor, Rajesh Kumar, and Om Parkash, also suffered a similar joint statement admitting the factum of the compromise.

The report received from learned Sub-Divisional Judicial Magistrate, Anandpur Sahib, is to the effect that the parties have entered into compromise voluntarily and without any undue influence, pressure and coercion from any side.

Learned counsel for the petitioners submits that both the private factions are co-villagers and neighbours. Over a petty issue of discharge of waste water, a quarrel had originated between them. 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 Darshan Singh of Police Station, Anandpur Sahib, District Ropar, 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.

Learned counsel for private respondent Nos. 2 to 5 also toed the lines of learned counsel for the State. He submits that the affected parties did appear before learned Court below and suffered their joint statement admitting the factum of the

compromise with the petitioners. He further submits that he has instructions to state that respondent Nos. 2 to 5 have resolved all the disputes with the petitioners and they have no objection in termination of the impugned FIR and all the consequential proceedings emanating therefrom, 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 the informant/injured persons have genuinely effected a compromise with the petitioners and they have 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. 37, dated

23.4.2009 (Annexure P-1), for the offences punishable under Sections 148, 323, 342 and 506 read with Section 149, IPC, registered at Police Station, Anandpur Sahib, District Ropar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 21, 2015
Pkapoor