

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRM-M-37848-2014

Date of Decision: November 27, 2015.

CHARANJEET SINGH AND ANOTHERPETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM:- HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Amit Kumar Saini,Advocate
for the petitioners

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

Mr.G.S.Nehal,Advocate for Respondent No.2

NARESH KUMAR SANGHI, J.(Oral)

Prayer in the present petition filed under Section 482, Code of Criminal Procedure, is for quashing of FIR No.92 dated 26.05.2008, for the offences punishable under Sections 323, 324, 452 and 506 read with 34 IPC registered at Police Station Samrala, Police District Khanna and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 05.11.2014, this Court had passed the following order:-

“Notice of motion for 30.01.2015.

In the meantime, parties are directed to get their statements recorded before the trial Court and the trial Court is directed to send its report

with regard to the validity or otherwise of the compromise, after recording statements of all the concerned parties, before the next date of hearing.”

In compliance of the above order, injured Harjinder Singh respondent No.2 as well as Charanjeet Singh petitioner No.1 had appeared before the Court below and got their respective statements recorded with regard to compromise.

Harjinder Singh respondent No.2 suffered the following statements:-

“Stated that I have compromised the matter in dispute with the accused persons with the intervention of our family members. Charanjeet Singh is my brother, therefore, with the intervention of our family members, I have compromised the matter. I have no objection, if the instant FIR is quashed.”

Charanjeet Singh petitioner No.1 suffered the following statement:-

“Stated that we have peacefully compromised with complainant, who is our relative. The compromise has been effected without any fear, threat or greed.”

The report received from Sub Divisional Judicial Magistrate, Samrala reveals that above said statements of Harjinder Singh and Charanjeet Singh were recorded but petitioner No.2 Baljit Singh, who was in custody, failed to appear

before the learned Court below, therefore, the compromise alleged to have been effected between the parties could not be considered genuine one.

Learned counsel for the parties are *ad idem* that there is only one injured, namely, Harjinder Singh respondent No.2. They are further in unison that quarrel had taken place between the real brothers and due to intervention of respectables and elderly people of the society, the dispute has been resolved and the compromise (Annexure P-2) has been effected. Once the injured Harjinder Singh has appeared before the learned Court below and admitted the factum of compromise which is also accepted by the learned counsel for the informant/injured, this Court has no other option except to conclude that the compromise is genuine one.

Learned counsel for the State has also very fairly admitted the factum of the compromise.

Since the quarrel had taken place between the real brothers which has been resolved, therefore the pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of process of law. In the matter of **Gian Singh vs. State of Punjab & anr. 2012(4) RCR (Criminal) 543** Hon'ble the Supreme Court of India has held that despite the offences being non-compoundable the proceedings can be quashed by this Court while exercising jurisdiction under

Section 482 Code of Criminal Procedure on the basis of compromise.

As a sequel to the above, FIR No.92 dated 26.05.2008, for the offences punishable under Sections 323, 324, 452 and 506 read with 34 IPC, registered at Police Station, Samrala, Police District Khanna and all the proceedings emanating therefrom, are hereby quashed.

November 27, 2015
TSG

(NARESH KUMAR SANGHI)
JUDGE