

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

CRM-M-3803-2015(O&M)

Date of Decision: December 8, 2015

Harjeet Singh @ Billu and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gurinder Singh, Advocate for
Mr.Sandeep Sharma, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.K.S.Narang, Advocate
for respondent Nos.2 and 3.

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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.143, dated 28.06.2014 (Annexure P1),
for the offences punishable under Sections 148, 323, 324, 452 and
506 read with Section 149, IPC, registered at Police Station,
Gharinda, District Amritsar Rural and all the consequential

proceedings arising therefrom, on the basis of affidavits (Annexures P2 and P3).

Vide order dated 26.03.2015, the affected parties were directed to appear before learned trial Court for getting their respective statements recorded with regard to the compromise.

In compliance of the above, the petitioners except Sunny (petitioner No.3) as well as Ajaypal Singh (informant/injured/respondent No.2) and Harjinder Kaur (respondent No.3) did appear before the Court below and got recorded their respective statements with regard to the compromise.

Ajaypal Singh (informant/injured/respondent No.2) suffered the following statement:-

"I have got registered FIR No.143 dated 28.06.2014 under Sections 452, 324, 323, 506, 148, 149, IPC, Police Station, Gharinda, against accused Harjit Singh @ Billu, Lovepreet Singh, Prabjit Singh, Raju and (Sunny who has come not present) present n the Court today and with the intervention of respectables, entire matter between me and the accused has been amicably settled. I have arrived at the compromise with the accused, out of my free will and willful consent and there is no pressure upon me. There is no other case pending except the present one. I have no

objection, if the FIR No.143, dated 28.06.2014 under Sections 452, 324, 323, 506, 148 and 149, IPC, Police Station, Gharinda is quashed.”

Harjinder Kaur (respondent No.3) suffered the following statement:

“The complainant Ajaypal Singh is my son who has got registered FIR No.143 dated 28.06.2014 under Sections 452, 324, 323, 506, 148, 149, IPC, Police Station, Gharinda, against accused Harjit Singh @ Billu, Lovepreet Singh, Prabjit Singh, Raju and (Sunny who has come not present) present in the Court today. I have received injuries from the hands of the above said accused and now with the intervention of respectables, entire matter between me, my son and the accused has been amicably settled. I as well as my son have arrived at the compromise with the accused, out of my free will and willful consent and there is no pressure upon me.”

Perusal of the above statements would clearly spell out that both the injured have resolved their dispute and effected a compromise.

Learned counsel for the petitioners submits that in view of the statements suffered by the injured persons, pendency of the FIR and consequential proceedings arising therefrom would be a sheer abuse of the process of law.

Learned counsel for the State as well as learned counsel representing respondent Nos.2 and 3 has clearly admitted the execution of the compromise by way of affidavits Annexures P2 and P3. They have also admitted that both the injured persons, i.e. respondent Nos.2 and 3 did appear before the Court below and got recorded their respective statements with regard to the compromise.

After hearing the learned counsel for the parties, this Court finds that the offences alleged to have been committed by the petitioners are personal in nature. Due to intervention of the respectable and elderly people of the society, they have resolved their dispute and effected a compromise, vide affidavits Annexures P2 and P3. Statements of the injured persons reproduced hereinabove would clearly spell out that they have effected a compromise without any pressure from any side.

In view of the totality of the facts and circumstances of the case, taking into consideration the statements suffered by both the injured persons and ratio of the judgments delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench judgment of this Court in the case of **Kulwinder**

Singh and others v. State of Punjab and another, 2007 (3) RCR

(Criminal) 1052 (P&H), the present petition is allowed. FIR No.143, dated 28.06.2014 (Annexure P1), for the offences punishable under Sections 148, 323, 324, 452 and 506 read with Section 149, IPC, registered at Police Station, Gharinda, District Amritsar Rural, and all the consequential proceedings arising therefrom are quashed.

December 8, 2015
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(NARESH KUMAR SANGHI)
JUDGE