

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

CRM-M-38671-2014

Date of Decision: October 15, 2015

Angrej Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.M.S.Dhaliwal, Advocate, for
Mr.H.S.Brar, Advocate,
for the petitioners.

Mr.P.S.Ghuman, Addl.AG, Punjab,
for respondent No. 1

Mr.J.S.Dhaliwal, Advocate,
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. 4, dated 02.01.2014 (Annexure P-1), for the offences punishable under Sections 120-B, 406 and 420, IPC, registered at Police Station, City Sangrur, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 13.11.2014, following order was passed by this Court:

“Notice of motion for 20.01.2015.

In the meantime, parties are directed to appear before the Area Magistrate and the Area Magistrate, after recording statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.”

In compliance of the above, both the petitioners as well as respondent No. 2/informant-aggrieved person, Harinder Singh, did appear before the learned Court below and got recorded their respective statements with regard to compromise.

The copies of the statements as well as the report from learned Chief Judicial Magistrate, Sangrur, have been received.

Harinder Singh, suffered the following statement:

“I have entered into compromise with Angrej Singh and Sharanjit Kaur accused persons in FIR No. 4 dated 02.01.2014 under Sections 406/420/120B IPC of

Police Station City Sangrur, District Sangrur without any coercion, pressure and with my free will. I have brought the original compromise which is Ex. CX bears my signatures. I have no objection if FIR No. 4 dated 02.01.2014 is quashed against the accused persons.”

Learned counsel for respondent No. 2/informant-aggrieved person, very fairly submits that there was a dispute of ₹5,60,000/- (Rupees five lacs and sixty thousand only) which has been resolved due to intervention of respectable and elderly people of the society. The petitioners have agreed to pay the said amount to the respondent No.2/informant. He further submits that respondent No. 2 has no objection, if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

Learned counsel for the State, on the instructions from ASI Satnam Singh of Police Station, City Sangrur, also admits the factum of compromise. He further submits that respondent No. 2/informant is the only aggrieved person in the present case.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the dispute amongst the private parties was with regard to the payment of ₹5,60,000/- (Rupees five lacs and sixty thousand only). It has been agreed by the petitioners to pay the said amount to respondent No.

2/informant. The compromise has been effected and in that regard the statement of the aggrieved person has also been recorded. The report received from learned Court below reveals that the compromise so effected between the parties, is voluntary one and without any pressure, threat and coercion.

In view of above, pendency of the criminal proceedings would be sheer abuse of the process of law.

As a sequel to the above and while taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of Gian Singh v. State of Punjab, 2012 (4) RCR (Criminal) 543 and a 5-Judge Bench judgment of this Court in the matter of Kulvinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052, the present petition is allowed and FIR No. 4, dated 02.01.2014 (Annexure P-1), for the offences punishable under Sections 120-B, 406 and 420, IPC, registered at Police Station, City Sangrur, and all the consequential proceedings arising therefrom, are hereby quashed.

October 15, 2015
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(NARESH KUMAR SANGHI)
JUDGE