

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-3905 of 2015

Date of Decision: 25.5.2015

Jaspreet Singh and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. G.S.Shahpuri, Advocate
for Mr. A.P.Bhandari, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Ashok Kumar Sharma, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 74 dated 9.12.2014, registered under Sections 323, 295A, 148 & 149 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mullanpur Garibdas, District S.A.S. Nagar, Mohali (Punjab) and all the subsequent proceedings on the basis of the compromise deed dated 10.12.2014 (Annexure P2).

2. Vide order dated 6.2.2015, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the

statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate Ist Class, Kharar through the learned District & Sessions Judge, Rupnagar along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“Statements of complainant/respondent Bhupinder Singh and accused/petitioners Balbir Kaur, Harpreet Singh, Balkar Singh, Kuldeep Singh, Karam Singh and Jaspreet Singh have been recorded on 20.2.2015. Complainant Bhupinder Singh has suffered a statement that he has seen the compromise Ex.P1. He has no objection if the FIR against the accused be quashed as per the compromise. He has entered into the compromise without any pressure or coercion and with his own free will.

In view of the aforesaid statements of the petitioner/accused and respondent/complainant of the case, the compromise effected between the parties appears to be genuine and correct one. No other case is pending in between the parties in the court of undersigned. As per the FIR the complainant Bhupinder Singh is the only injured and the petitioners/accused are Balbir Kaur, Harpreet Singh, Balkar Singh, Kuldeep Singh, Karam Singh and Jaspreet Singh. Attested copies of statements of the parties recorded by this court are sent herewith for kind perusal.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 323, 295A, 148 & 149 IPC on the allegations that complainant Bhupinder Singh has been working as the President of Gurudwara Management Committee, Tira, where he used to give training of playing Gatka to the children. On 8.12.2014, when the children were leaving for their houses, petitioner No.1-Jaspreet Singh came with his pet dog in the Gurdwara premises and one stray dog also came inside the premises. Jaspreet Singh started fight between the

dogs upon which the complainant threw a stick towards the stray dog and also asked Jaspreet Singh to take away his dog from the Gurdwara. Upon this, Jaspreet Singh left the dog in the Gurdwara and brought a stick from his house and gave its blow on his head. In the meantime, Karam Singh, Kuldeep Singh, Balkar Singh, Harpreet Singh and mother of Jaspreet Singh reached at the spot and started giving beatings to the complainant and also abused his father and threatened him to kill. Then Jaspreet Singh pulled his beard with hands. The people gathered at the spot and saved him. Thereafter, Harjit Singh and Devinder Singh and Tirlochan Singh, brother of complainant got him admitted in the hospital.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 74 dated 9.12.2014, registered under Sections 323, 295A, 148 & 149 IPC at Police Station Mullanpur Garibdas, District S.A.S. Nagar,

Mohali (Punjab) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

May 25, 2015
“DK”