

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

CRM-M-39383-2014 (O&M)

Date of Decision: January 06, 2015

Swaran Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.K.S.Kahlon, Advocate
for the petitioners.

Mr.Mikhail Kad,AAG, Punjab.

Mr.Damanjit Singh Sandhu, Advocate
for respondent No.2-complainant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for quashing of FIR No.80,
dated 18.08.2013, under Sections 148, 323, 324 and 325 read with
Section 149, IPC, registered at Police Station, Sadar, Gurdaspur,
and all the consequential proceedings arising therefrom, on the
basis of compromise.

Vide order, dated 18.11.2014, the affected parties
were directed to appear before the learned Chief Judicial
Magistrate, Gurdaspur, for getting their respective statements

recorded with regard to the compromise. The said Court was also directed to send the copies of the statements to this Court on or before the adjourned date.

In compliance of the above, petitioners (six in number) as well as respondent No.2-complainant Amrik Singh did appear before the Court below and got recorded their respective statements with regard to the compromise.

Complainant Amrik Singh suffered the following statement:-

“Stated that a FIR No.80, dated 18.08.2013, under Sections 148, 323, 324 and 325 read with Section 149, IPC, Police Station, Sadar, Gurdaspur, District Gurdaspur (Punjab), was registered against the accused, namely, Swaran Singh, Amanpreet Singh, Gursharan Singh, Bikramjit Singh, Baldev Singh and Charanjit Singh, all residents of village Halla, Tehsil and District Gurdaspur, on my statement. One cross-case DDR entry No.11 was lodged in the same FIR on 18.08.2013 under Sections 326, 148 & 149, IPC, against me (Amrik Singh), Dapinder Singh @ Jyoti, Paramvir Singh @ Pamma, Paramjit Singh, Sarabjit Singh, Santokh Singh (Complainant in FIR No.151) on the statement of Swaran Singh (accused in present case). Another FIR No.151, dated 26.08.2013 at Police Station, City,

Gurdaspur, was registered against accused Charanjit Singh, Baldev Singh, Gursharan Singh and Amanpreet Singh on the statement of Santokh Singh. All these three matters have been compromised between the parties with the intervention of respectable. Now there is no grudge, grouse or complaint against each other. I have suffered this statement without any threat, pressure or coercion. I have no objection if the present case FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise.”

Petitioners also suffered the similar joint statement admitting the factum of compromise.

The operative part of the report received from the learned Chief Judicial Magistrate, Gurdaspur, is as under:-

“From the statements of the parties, it appears that parties have effected compromise with each other.”

Mr.Damanjit Singh Sandhu, learned counsel representing respondent No.2-complainant-injured Amrik Singh, submits that it is a case of version and cross-version; on account of the Panchayat Election, both the factions had caused injuries to each other; the better sense has prevailed and now both the factions have resolved their all disputes and effected a compromise. He further contends that respondent No.2-

complainant Amrik Singh has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise. He further contends that respondent No.2-complainant Amrik Singh did appear before the Court below and suffered the statement admitting the factum of compromise.

Learned counsel for the State, on instructions from ASI Lakhwinder Singh of Police Station, Sadar, Gurdaspur, very fairly concedes that it is a case of version and cross version and now both the parties have resolved their all disputes and effected a compromise.

Learned counsel for the petitioners also submits that it is a case of version and cross-version; both the parties have resolved their all disputes and effected a compromise; and pendency of the FIR and consequential proceedings would be a sheer abuse of process of law since chances of conviction and sentence of the petitioners are bleak.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

It is a case of version and cross-version. The other

party has been booked for the offences punishable under Sections 148 and 326 read with Section 149, IPC. Due to intervention of the respectable and elderly people of the society, the matter has been resolved and a compromise has been effected. The private parties have appeared before the Court below and suffered their statement admitting the factum of compromise. The report received also reveals the execution of the compromise between the private factions.

Keeping in view the totality of the facts and circumstances of the case and 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 and another, 2012 (4) R.C.R. (Criminal) 543, the present petition is allowed. FIR No.80, dated 18.08.2013, under Sections 148, 323, 324 and 325 read with Section 149, IPC, registered at Police Station, Sadar, Gurdaspur, and all the consequential proceedings arising therefrom are hereby quashed.

January 06, 2015
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(NARESH KUMAR SANGHI)
JUDGE