

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

**CRM-M-39384-2014 (O&M)**

**Date of Decision: January 06, 2015**

Amrik Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr.Damanjit Singh Sandhu, Advocate  
for the petitioners.

Mr.Mikhail Kad,AAG, Punjab.

Mr.K.S.Kahlon, Advocate  
for respondent No.2-complainant.

**Naresh Kumar Sanghi, J.(Oral)**

Prayer in this petition is for quashing of DDR No.11, dated 18.08.2013, for the offences punishable under Sections 148 and 326 read with Section 149, IPC, (Annexure P2), arising out 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 emanating 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 Swaran Singh did appear before the Court below and got recorded their respective statements with regard to the compromise.

Complainant Swaran 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 me and others, namely, Amanpreet Singh, Gursharan Singh, Bikramjit Singh, Baldev Singh and Charanjit Singh, all residents of village Halla, Tehsil and District Gurdaspur, and one cross-case DDR entry No.11 was lodged in the same FIR on 18.08.2013 under Sections 326, 148 & 149, IPC, against Amrik Singh, Dapinder Singh @ Jyoti, Paramvir Singh @ Pamma, Paramjit Singh, Sarabjit Singh, Santokh Singh (accused in the present case) on my statement. 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 (Accused in the present case). 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.K.S.Kahlon, learned counsel representing respondent No.2- complainant- injured Swaran 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 Swaran Singh has no objection if the impugned DDR and consequential proceedings arising therefrom are quashed on the basis of compromise. He further contends that respondent No.2-complainant Swaran 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 DDR and consequential proceedings arising therefrom 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, 323, 324 and 325 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 respective statements 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. DDR No.11, dated 18.08.2013, for the offences punishable under Sections 148 and 326 read with Section 149, IPC, arising out 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 are hereby quashed.

**January 06, 2015**  
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**(NARESH KUMAR SANGHI)**  
**JUDGE**