

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

CRM-M-39758-2014 (O&M)

Date of Decision: January 29, 2015

Shamsher Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.B.S.Baath, Advocate
for the petitioners.

Mr.Mikhail Kad, AAG, Punjab.

Mr.Satnam Gill, Advocate
for respondent Nos.2 and 3.

.....

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No.35, dated 06.08.2014, for the offences
punishable under Sections 148, 323, 324, 325, 326 and 452 read
with Section 149, IPC, registered at Police Station, Qadian, Police
District, Batala, Revenue District Gurdaspur, and all the
consequential proceedings arising therefrom on the basis of
compromise, Annexure P6.

Vide order, dated 28.11.2014, this Court had directed

the parties to appear before the learned Area Judicial Magistrate for getting their statements recorded with regard to genuineness of the compromise. The said Court was also directed to submit its report to this Court.

In compliance of the above, respondent Nos.2 and 3, namely, Ranjodh Singh and Baljit Kaur as well as the petitioners (five in number) did appear before the Court below. Separate statements of both the injured were recorded while a joint statement of the petitioners was recorded. Complainant Ranjodh Singh suffered the following statement:-

“Stated that I have compromised the matter with the accused persons namely Shamsheer Singh, Mohinder Singh, Bhupinder Kaur, Surinder Kaur @ Narinder Kaur and Kanwaljit Kaur with the intervention of the respectables and I have no objection if FIR No.35, dated 06.08.2014 under Sections 452, 324, 323, 148, 149 Police Station Qadian, Batala, be quashed. I have given my statement with my free will and without any coercion and any pressure.”

Injured Baljit Kaur suffered the following statement:-

“Stated that I have compromised the matter with the accused persons namely Shamsheer Singh, Mohinder Singh, Bhupinder Kaur, Surinder Kaur @ Narinder Kaur and Kanwaljit Kaur with the

intervention of the respectables and I have no objection if FIR No.35 dated 06.08.2014 under Sections 452, 324, 323, 148, 149 Police Station Qadian, Batala be quashed. I have given my statement with my free will and without any coercion and any pressure.”

In their joint statement, the petitioners admitted the factum of compromise.

Report received from learned Judicial Magistrate Ist Class, Batala, is as under:-

“In compliance with the order dated 28.11.2014 passed by the Hon'ble High Court in CRM-M-39758 of 2014, I have the honour to submit my report regarding compromise that on 17.12.2014, the parties appeared before the Court of undersigned and the statements of complainant Ranjodh Singh son of Lakhwinder Singh as well as Baljit Kaur W/o Ranjodh Singh regarding compromise was recorded in the Court of undersigned who was duly identified by Sh.Arun Sharma, Advocate. Further the statements of the accused persons namely, Shamsheer Singh, Mohinder Singh, Bhupinder Kaur, Surinder Kaur @ Narinder Kaur and Kanwaljit Kaur regarding compromise were also recorded who were duly identified by Sh.Davinder Singh Aulakh, Advocate. Further as per the statement of the complainant he has compromised the matter with

the accused persons with his free will and without any coercion or any pressure. The original statements are also attached herewith. My report is submitted accordingly.”

Learned counsel for the petitioners submits that it is a case of version and cross-version; petitioners Shamsheer Singh and Mohinder Singh had received grievous injuries on their persons attracting the mischief of Section 326, IPC. Petitioners as well as respondent Nos.2 and 3 are collateral and the quarrel had taken place on account of a dispute over a joint tubewell situate at the agricultural fields; due to intervention of respectable and elderly people of the society, both the private factions have resolved their all disputes and effected a compromise, Annexure P6; the injuries of both the sides have healed and all the injured from both the sides are performing their daily pursuits. Compromise so effected between the parties shall improve their relations and bring peace and harmony amongst them. He further contends that the offences alleged to have been committed by the petitioners are personal in nature. In support of his contentions, the learned counsel for the petitioners has placed reliance on the judgments rendered in the matters of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal)

543, and a 5-Judge Bench of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H).

Learned counsel for the State, on instructions from ASI Shiv Singh of Police Station, Qadian, very fairly concedes the factum of compromise arrived at between the private parties. He submits that the petitioners had caused three grievous injuries on the persons of the injured and the complainant and, as such, the compromise effected between the parties might not be accepted.

Learned counsel representing the complainant Ranjodh Singh and Baljit Kaur very fairly states that he has the instructions to state at Bar that the complainant as well as the injured have no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise. He further concedes that both the factions had received injuries in the present occurrence. He further submits that the injuries on the persons of Ranjodh Singh and Baljit Kaur have healed and now they are performing their daily pursuits.

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

The present quarrel had taken place on account of a dispute over a tubewell situate at the agricultural fields. Two persons from the complainant side and equal number from the petitioners side had received grievous injuries. All the injuries sustained by the injured persons were on non-vital parts. Due to intervention of the respectable and elderly people of the society, better sense has prevailed and both the private factions have resolved their all disputes and effected a compromise. The offences alleged to have been committed by the petitioners are personal in nature. The report received from the learned Judicial Magistrate Ist Class, Batala, reveals that the compromise so effected by respondent Nos.2 and 3 is with their free will and without any coercion or pressure. Hon'ble the Supreme Court in the matter of **Gian Singh (supra)** as well as a larger Bench of this Court in the case of **Kulwinder Singh (supra)** have ruled out that the non-compoundable offences, if personal in nature, can be permitted to be compounded by exercising the powers under Section 482, Cr.P.C. The pendency of the impugned FIR 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.

As a sequel to the above discussion and taking into consideration the ratio of the judgments delivered by Hon'ble the Supreme Court in the matter of **Gian Singh** (supra) and a larger Bench judgment of this Court in the matter of **Kulwinder Singh** (supra), the present petition is allowed. FIR No.35, dated 06.08.2014, for the offences punishable under Sections 148, 323, 324, 325, 326 and 452 read with Section 149, IPC, registered at Police Station, Qadian, Police District Batala, Revenue District Gurdaspur, and all the consequential proceedings arising therefrom are quashed.

January 29, 2015
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(NARESH KUMAR SANGHI)
JUDGE