

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43392 of 2014

Date of Decision: 9.7.2015

Harpreet Singh alias Toor alias Monty and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. S.S.Rangi, Advocate
for the petitioner(s).

Ms. Rimplejeet Kaur, Assistant Advocate
General, Punjab for respondent No.1.

Ms. Deepshikha Chauhan, 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. 73 dated 9.9.2011, registered under Sections 323, 324, 341, 148, 149 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Phase-XI, District S.A.S.Nagar, Mohali and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 7.4.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The Illaqa Magistrate was also directed to send his/her 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 Chief Judicial Magistrate, Mohali through the learned District & Sessions Judge, Rupnagar along with the copies of the statements of the parties. In the report, it is stated that the compromise

was effected between the parties is valid and out of their free will and without any coercion. He further stated that four persons have been arrayed as accused and no accused has been declared as Proclaimed Offender.

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, 324, 341, 148, 149 & 120-B IPC on the complaint made by respondent No.2-Satnam Singh that he had a dispute with Raman over the amount which he borrowed from him. When he demanded back his money from Raman, a quarrel took place but the matter was compromised. On 9.9.2011 at about 11.30 A.M., on the call of Rahul and Jagjit alias Jagga, he went to the market of Sector 66, Mohali on his motorcycle but they did not come. While the complainant was returning back to his home, at about 12.00 noon, he was intercepted by swift car No. PB-11-0048 and Arvinder Singh, Harpreet Singh alias Toor alias Monty and three more occupants of the car came out and started beating him and giving kirpan blows. In this

incident he suffered multiple injuries. On raising alarm, the people of the locality attracted to the spot and on seeing them, the culprits fled away in their car with respective weapons.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Chief 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 copy 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. 73 dated 9.9.2011, registered under Sections 323, 324, 341, 148, 149 & 120-B IPC at Police Station Phase-XI, District S.A.S.Nagar, Mohali 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

July 9, 2015

“DK”