

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-4526 of 2015

Date of Decision: 30.3.2015

Baldev Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Balwinder Singh, Advocate
for the petitioner(s).

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

Mr. Hoshiar Singh, Advocate
for respondents No.2 & 3.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Baldev Singh, Kamal Preet Singh and Navneet Pal Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 56 dated 1.7.2014, registered under Sections 323 & 324 read with Section 34 of the Indian Penal Code (hereinafter referred to as "IPC") and Sections 325 & 326 IPC (added lateron) at Police Station Kanwan, District Pathankot and all the subsequent proceedings on the basis of the compromise deeds dated 19.12.2014 & 27.1.2015 (Annexures P2 & P3), respectively.

2. Vide order dated 11.2.2015, 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 Chief Judicial Magistrate, Pathankot through the learned District & Sessions Judge, Pathankot along with the copies of the statements of the parties. The operative part of the report of the learned Chief Judicial Magistrate is reproduced as under:

“Complainant Santokh Singh son of Jagir Singh, aged 63 yrs, r/o village Rajparura, Tehsil and District Pathankot appeared before the Court and suffered a statement that he is the complainant in this case. He has compromised the matter with the accused Baldev Singh son of Jagir Singh, Kamal Preet Singh son of Baldev Singh and Navneet Pal Singh son of Baldev Singh, residents of village Rajparura Tehsil and Distt. Pathankot in case bearing FIR No. 56 dated 01.07.2014 under Sections 323/324/325/326/34 IPC, PS Kanwan with the intervention of respectables. He has decided to end this litigation and live peacefully. He has no grudge against the accused. He is giving the statement voluntarily and with his free will and without any coercion. He has no objection if the proceedings of this FIR may be quashed.

Victim Balkar Singh son of Jagir Singh, aged 58 yrs., r/o village Rajparura, Tehsil and District Pathankot appeared before this Court and suffered a statement that he is the injured in this case. He has compromised the matter with the accused Baldev Sigh son of Jagir Singh, Kamal Preet Singh

son of Baldev Singh and Navneet Pal Singh son of Baldev Singh in case bearing FIR No. 56 dated 01.07.2014 under Sections 323/324/325/326/34 IPC, PS Kanwan with the intervention of respectables. He has decided to end this litigation and live peacefully. He has no grudge against the accused. He is giving the statement voluntarily and with his free will and without any coercion. He has no objection if the proceedings of this FIR may be quashed.

On the other hand, accused Baldev Singh son of Jagir Singh, aged 59 yrs, Kamal Preet Singh son of Baldev Singh, aged 25 yrs and Navneet Pal Singh son of Baldev Singh, aged 21 yrs, all residents of village Rajparura Tehsil and District Pathankot appeared before the Court and suffered statements that they are the accused in this case. They have compromised the matter with the complainant Santokh Singh son of Jagir Singh, aged 63 yrs, r/o village Rajparura, Tehsil and District Pathankot and victim Balkar Singh son of Jagir Singh, aged 58 yrs, r/o village Rajparura, Tehsil and District Pathankot in case bearing FIR No. 56 dated 01.07.2014 under Sections 323/324/325/326/34 IPC, PS Kanwan with the intervention of respectables. The matter has been mutually compromised and both the parties have decided to end this litigation and live peacefully. They have no grudge against the complainant and living peacefully. They are giving the statement voluntarily and with their free will and without any

coercion.

It is pertinent to mention here that the names of the present accused are mentioned in the FIR No. 56 dt. 01.07.2014 and none of the accused has been declared as proclaimed offender in the present FIR.

The complainant Santokh Singh as well as accused Baldev Singh, Kamal Preet Singh and Navneet Pal Singh have made their statements voluntarily of their own free will without any coercion. Original statements of both the parties are enclosed herewith.”

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 respondents No.2 & 3 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victims

have 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 read with Section 34 IPC and Sections 325 & 326 (added lateron) on the allegations that the complainant had sown chari crop in the land fallen to his share and his brother Baldev Singh intended to take possession of that portion of the land. On 29.6.2014, when the complainant party went to sow chari crop in the said land, Baldev Singh along with his sons Kamal Preet Singh and Navneet Pal Singh came there and after raising lalkara to teach the complainant a lesson for not leaving the land, they suffered injuries to him with their respective weapons. When his brother Balkar Singh came forward to save the complainant from their clutches, the petitioners had also suffered injuries to him. On raising an alarm, the accused fled away from the spot with their respective weapons. His brother Balkar Singh got the complainant admitted in the hospital after arranging for the vehicle.

7. From the statement 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 photocopies of the compromise deeds have already been placed on record as Annexures P2 & P3, respectively.

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. 56 dated 1.7.2014, registered under Sections 323 & 324 read with Section 34 IPC and Sections 325 & 326 IPC (added lateron) and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

March 30, 2015

“DK”