

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-4527 of 2015**

**Date of Decision: 30.3.2015**

Baldev Singh and Others

... Petitioner(s)

Versus

State of Punjab and Another

... 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 respondent No.2.

**Darshan Singh, J.**

1. The present petition has been filed by the petitioner/accused- Baldev Singh, Kamalpreet 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. 57 dated 1.7.2014, registered under Sections 341, 323 & 34 of the Indian Penal Code (hereinafter referred to as "IPC") and Section 325 IPC (added lateron) at Police Station Kanwan, District Pathankot and all the subsequent proceedings on the basis of the compromise deed dated 27.1.2015 (Annexure P2).

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 Balkar Singh son of Jagir Singh, aged 58 yrs, r/o village Rajparura, Tehsil and District Pathankot appeared before the Court and suffered a statement that he is the complainant as well as victim in this case. He has compromised the matter with the accused Baldev Singh and Navneet Pal Singh son of Baldev Singh, residents of village Rajparura Tehsil and Distt. Pathankot in case bearing FIR No. 57 dated 01.07.2014 under Sections 323/325/341/34 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 Balkar Singh*

*son of Jagir Singh, aged 58 yrs, r/o village Rajparura, Tehsil and District Pathankot in case bearing FIR No. 57 dated 01.07.2014 under Sections 323/325/341/34 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. 57 dt. 01.07.2014 and none of the accused has been declared as proclaimed offender in the present FIR.*

*The complainant Balkar 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 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 341, 323 & 34 IPC and Section 325 IPC (added lateron) on the allegations that there was a land dispute between the complainant and his brother Baldev Singh. On 29.6.2014, the petitioners had suffered injuries to Santokh Singh. On 1.7.2014, at about 6.00 A.M., the complainant along with his son was going on his motorcycle. When they reached near the house of one Kulwant Singh, the petitioners raised a lalkara to teach lesson to the complainant for helping Santokh Singh and started beating them. On raising an alarm, the culprits fled away from the spot along with their respective weapons. The cause of incident was that there was a dispute between Santokh Singh and Baldev Singh over the partition of land and the complainant was helping Santokh Singh.

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 photocopy of the compromise has 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. 57 dated 1.7.2014, registered under Sections 341, 323 & 34 IPC and Section 325 IPC (added lateron) at Police Station Kanwan, District Pathankot and all the consequent proceedings arising therefrom are hereby quashed.

**(Darshan Singh)**  
**Judge**

**March 30, 2015**

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