

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-4528 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. 63 dated 29.7.2014, registered under Sections 325 & 323 of the Indian Penal Code (hereinafter referred to as "IPC") at Police Station Division No.1, District Pathankot and all the subsequent proceedings on the basis of the compromise deed dated 19.12.2014 (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 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. 63 dated 29.07.2014 under Sections 323/325 IPC, PS Division No.1, Pathankot 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 in case bearing FIR No. 63 dated 29.07.2014 under Sections 323/325 IPC, PS Division No.1, Pathankot 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. 63 dt. 29.07.2014 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 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 325 & 323 IPC on the allegations that on 29.6.2014, the petitioners had suffered injuries to the complainant due to which he got admitted in the Civil Hospital, Pathankot. On 30.6.2014 at about 2.00 P.M., when he was standing outside emergency ward of the said hospital, his brother Baldev Singh, his sons Kanwalpreet Singh and Navneet Pal Singh came there and after raising lalkara, they had beaten him up and suffered injuries. On raising an alarm, the culprits fled away from the spot along with their respective weapons.

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 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. 63 dated 29.7.2014, registered under Sections 325 & 323 IPC at Police Station Division No.1, District Pathankot and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

March 30, 2015

"DK"