

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-4581 of 2015

Date of Decision: 30.3.2015

Santokh Singh and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

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

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

Mr. Balwinder Singh, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Santokh Singh, Balkar Singh and Gurpreet Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of complaint registered vide Rapat Nos. 37 dated 5.7.2014 and No. 13 dated 10.7.2014, registered under Sections 325, 323 & 506 read with Section 34 of the Indian Penal Code (hereinafter referred to as "IPC") 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 Baldev 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 in this case. He has compromised the matter with the accused Santokh Singh son of Jagir Singh. Balkar Singh son of Jagir Singh, Gurpreet Singh son of Santokh Singh in case bearing FIR No. 56/Rapat No. 37 dt. 05.07.2014 under Sections 323/325/5206/34 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 Santokh Singh son of Jagir Singh, aged 63 yrs, Balkar Singh son of Jagir Singh, aged 58 yrs and Gurpreet Singh son of Santokh Singh, aged 23 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 Baldev Singh son of Jagir Singh, aged 58 yrs, r/o village Rajparura, Tehsil and District Pathankot in case bearing FIR No. 56/Rapat No. 37 dt. 05.07.2014 under Sections 323/325/506/34 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/Rapat No. 37 dt. 05.07.2014 and none of the accused has been declared as proclaimed offender in the present FIR.

The complainant Baldev Singh as well as accused Santokh Singh, Balkar Singh and Gurpreet 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 Rapats and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 325, 323 & 506 read with Section 34 of IPC on the allegations that the complainant had mutually exchanged the land with his brother Santokh Singh. On 29.6.2014, his brother Santokh Singh along with his son Gurprit Singh had sown paddy in the land fallen to the share of the complainant. He told that the complainant to harvest the chari crop from his land in exchange. Thereafter, the complainant came to know that his brother Santokh Singh, in connivance with Balkar Singh, had cultivated the land which was to be cultivated by him. When the complainant went to ask about this to his brother, he was beaten up by Balkar Singh, Daljit Singh, Santokh Singh, all residents of the same village. Thereafter, on raising alarm, they 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 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 the present complaint/rapat 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. The complaint registered vide rapat Nos. 37 dated 5.7.2014 and No. 13 dated 10.7.2014, registered under Sections 325, 323 & 506 read with Section 34 IPC at Police Station Kanwan, District Pathankot and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

March 30, 2015
"DK"