

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4582-2015(O&M)

Date of Decision: August 12, 2015

Daljinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.H.S.Bajwa, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.M.L.Saggar, Sr.Advocate with
Mr.J.S.Brar, Advocate
for respondent Nos.2 to 5.

Mr.Gurinder Singh Lalli, Advocate
for newly impleaded respondent No.6.

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1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No.11, dated 02.02.2009, registered at
Police Station, Amargarh, Tehsil Malerkotla, District Sangrur, for

the offences punishable under Sections 323, 324, 341 and 506 read with Section 34, IPC, as well as under Section 3(1) (iv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'the 1989 Act') , and quashing of criminal complaint No.85, dated 28.11.2009, titled as 'Daljinder Singh vs. Maninder Kaur and others', filed by the petitioners, pending adjudication before learned Judicial Magistrate Ist Class, Malerkotla, on the basis of compromise, Annexure P2.

Vide order dated 28.04.2015, this Court had directed the affected parties to appear before learned trial Court for getting their respective statements recorded with regard to compromise. The said Court was also directed to send its report in that regard.

Vide its report dated 08.06.2015 received through learned Sessions Judge, Sangrur, learned Additional Sessions Judge-cum-Special Judge, Sangrur, has reported that the statements of the petitioners on the one hand and Gurdeep Singh (informant), Harjinder Singh and Dalip Kumar (eye witnesses) as also Maninder Kaur were recorded in which they had admitted the execution of the compromise, Annexure P2. It is apposite to mention that Amandeep Kaur was also an aggrieved person but

she was not a party in the quashing petition filed before this Court, therefore, her statement was not recorded. The operative part of the report received from learned Additional Sessions Judge-cum-Special Judge, Sangrur, is as under:-

“It is hereby reported that the parties were duly identified by their counsels. This Court has interacted with the parties. This Court is satisfied that the statements made by the parties with regard to compromise dated 26.01.2015 are voluntary and without any pressure. It is further reported that in the present FIR, i.e. FIR No.11 dated 02.02.2009, under Sections 341/323/ 324/506/34, IPC, and 3 (x) SC and ST Act, Police Station, Amargarh, there are only two accused namely Daljinder Singh and Karamveer Singh and both of them are appearing before this Court and none of them has been declared as proclaimed offender.

The statements of the accused persons recorded on 04.06.2015, statement of complainant recorded on 04.06.2015 and 08.06.2015 and statements of Maninder Kaur, Harjinder Singh and Dalip Kumar recorded on 08.06.2015 in vernacular along with translation are forwarded herewith for kind perusal.”

Vide order of even date passed in CRM-25498-2015,

Amandeep Kaur wife of Gurdeep Singh has been permitted to be impleaded as respondent No.6. Mr.Gurinder Singh,

Advocate, has put in appearance on her behalf, i.e. respondent No.6.

Statement of respondent No.6-Amandeep Kaur with regard to compromise has been recorded by this Court. She has been duly identified by Mr.Gurinder Singh, Advocate.

Learned counsel for the petitioners submits that the petitioners and few of the private respondents are neighbours and there were disputes over a drainage in front of the house of Maninder Kaur and over a piece of land. Due to intervention of respectable and elderly people of the society, better sense has prevailed and both the private factions have resolved their all disputes and effected a compromise, Annexure P2. The affected parties, i.e. petitioners as well as respondent Nos.2 to 5 did appear before learned Additional Sessions Judge-cum-Special Judge, Sangrur, and suffered their respective statements with regard to the compromise. Respondent No.6-Amandeep Kaur has suffered the statement before this Court admitting the factum of compromise.

He further submits that pendency of the criminal proceedings arising out of the impugned FIR and the criminal complaint would be sheer abuse of the process of law. In

support of his contentions, learned counsel for the petitioners has placed reliance on a judgment delivered by a 5-Judge Bench of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), and **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543.

Learned counsel for the petitioners further submits that all the terms and conditions incorporated in the compromise deed, Annexure P2, shall be materialised.

Learned counsel for the State, on instructions from SI Sukhdeep Singh of Police Station, Sadar, Ahmedgarh (previously case was with Police Station, Amargarh) very fairly concedes that the private factions have resolved their all disputes and effected a compromise, therefore, in view of the law laid down by Hon'ble larger Bench of this Court in the matter of **Kulwinder Singh** (supra) and **Gian Singh** (supra), he has no objection if the impugned FIR and criminal complaint and consequential proceedings emanating therefrom are quashed.

Mr.M.L.Saggar, learned Senior counsel assisted by Mr.J.S.Brar, Advocate, representing respondent Nos.2 to 5 and Mr.Gurinder Singh Lalli, Advocate, for respondent No.6 have also

adopted the stand taken by the learned State counsel and they too have no objection if the impugned FIR, criminal complaint and all the consequential proceedings emanating therefrom are quashed in view of the statements suffered by the aggrieved persons.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Though the petitioners in addition to Sections 323, 324, 341 and 506 read with Section 34, IPC, have been charge-sheeted for the offences punishable under Sections 3(1)(iv) of the 1989 Act, yet keeping in view the fact that the private factions are living in vicinity, the quarrel had taken place on account of flowing of a drainage in front of the house of Maninder Kaur; they have not only resolved the said dispute but also resolved the dispute regarding a piece of land. Compromise so effected between the private factions would not only bring peace amongst them but also create an example for the co-villagers not to fight in future. The report received from learned Additional Sessions Judge-cum-Special Judge, Sangrur, would also reveal that the compromise so effected between the parties is a genuine

one.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments delivered in the matters of **Kulwinder Singh** (supra) and **Gian Singh** (supra), FIR No.11, dated 02.02.2009, registered at Police Station, Amargarh, Tehsil Malerkotla, District Sangrur, for the offences punishable under Sections 323, 324, 341 and 506 read with Section 34, IPC, as well as under Section 3(1) (iv) of the the 1989 Act, and criminal complaint No.85, dated 28.11.2009, titled as 'Daljinder Singh vs. Maninder Kaur and others', filed by the petitioners, pending adjudication before learned Judicial Magistrate Ist Class, Malerkotla, and all the consequential proceedings arising therefrom are hereby quashed.

August 12, 2015
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(NARESH KUMAR SANGHI)
JUDGE