

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-5742-2014 (O&M)

Date of Decision: January 9, 2015

Sarabjit Singh @ Golu and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr. M.S. Cheema, Advocate,  
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,  
for respondent Nos. 1 and 2.

Mr. Dinesh Kumar, Advocate,  
for respondent No. 3.

**NARESH KUMAR SANGHI, J. (Oral)**

1. The present petition under Section 482, Cr.P.C., has been filed by four petitioners, namely, Sarabjit Singh @ Golu, Harwinder Singh, Paramjit Singh @ Pamma, and Dalbara Singh @ Dilwara Singh, all residents of village Meemsa, Tehsil Dhuri, District Sangrur, for quashing of FIR No. 92, dated 7.5.2011, under Sections 323, 324 and 458 read with Section 34, IPC, registered at Police Station, Sadar, Dhuri, District Sangrur, and all the consequential proceedings arising therefrom, on the basis of the compromise.

2. Vide order dated 24.3.2014, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court on or before the adjourned date.

3. In compliance thereof, all the four petitioners as well as respondent No. 3/complainant, Lakhwinder Singh, did appear before learned Judicial Magistrate Ist Class, Dhuri, and got recorded their respective statements with regard to the compromise. The complainant/respondent No. 3, Lakhwinder Singh, suffered the following statement:-

*“ Stated that the matter has been compromised with my free will and without any pressure with the intervention of respectable and Panchayat and I have no objection if FIR No. 92 dated 7.5.2011, U/ss 458, 323, 324, 34 IPC, PS Sadar, Dhuri and all the consequential proceedings arising therefrom are quashed against the accused.”*

4. Similar statements, admitting the factum of the compromise, were suffered by the petitioners. The operative part of the report received from learned Judicial Magistrate Ist Class, Dhuri, is as under:-

*“ After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily, without any pressure or coercion.”*

5. Learned counsel for the complainant/respondent No. 3 submits that he has instructions to state at the bar that his client had effected a compromise with the petitioners and has no objection if the impugned FIR and all the proceedings emanating therefrom are quashed.

6. Learned counsel for the State on instructions from ASI Randhir Singh of Police Station, Sadar, Dhuri, also admits the execution of the compromise by the affected parties. He further contends that he has no objection if the present proceedings are terminated on the basis of the compromise. However, he submits that the parties took more than three years in effecting the compromise and, as such, precious public time was consumed by them in pursuing the present case, therefore, they should be burdened with costs to be paid to the State of Punjab.

7. Learned counsel for the petitioners submits that pendency of the impugned FIR and the consequential proceedings emanating therefrom would be sheer abuse of the process of law since the chances of ultimate conviction and

sentence of the petitioners are bleak.

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

9. The quarrel in question had originated amongst young boys of the same village on a trivial issue. Due to intervention of the respectable and elderly people of the society, the complainant/respondent No. 3 has resolved his dispute and effected a compromise with the petitioners. Learned counsel for the parties are *ad idem* that the affected parties have resolved all their disputes. The report received from the learned Trial Court also support the submissions made by learned counsel for the parties. The complainant/respondent No. 3 belongs to the same village and the occurrence had taken place in the year 2011. During this period of about 3½ years no such incident had re-occurred between both the private factions. Therefore, it will be in the interest of the society that the present criminal proceedings are ordered to be terminated in view of the compromise effected between the private parties.

10. As a sequel to the above discussion and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **Gian Singh v. State of Punjab**

**and another, 2012 (4) R.C.R. (Criminal) 543**, and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**, this petition is accepted and FIR No. 92, dated 7.5.2011, under Sections 323, 324 and 458 read with Section 34, IPC, registered at Police Station, Sadar, Dhuri, District Sangrur, and all the consequential proceedings arising therefrom are hereby quashed.

**January 9, 2015**  
Pkapoor

**(NARESH KUMAR SANGHI)**  
**JUDGE**