

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

Crl. Misc. No. 9189-M of 2013(O&M)

Date of Decision: 09.02.2015.

Rajpal Singh and others PETITIONER (s)

Versus

Sukhdev Singh

..... RESPONDENT

Crl. Misc. No. 9104-M of 2013(O&M)

Rajpal Singh and others PETITIONER (s)

Versus

Jagir Singh

..... RESPONDENT

Crl. Misc. No. 9190-M of 2013(O&M)

Swinder Singh and others PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

**Present: Ms.Isha Goyal, Advocate,
for the petitioners. (in CRM-M-9189-M of 2013,
and CRM-M-9104 of 2013)
Mr. Gorav Kathuria, Advocate, for the petitioners
(in CRM-M-9190 of 2013).**

Mr.S.S.Chaudhary, DAG, Punjab (in CRM-M-9190 of 2013).

Mr. V.K.Sandhir, Advocate,
for the respondent.(in CRM-M-9189 of 2013 and CRM-M-9104 of 2013)

LISA GILL, J.(Oral)

CRM No. 4132 of 2015

Criminal Miscellaneous Application is allowed subject to just exceptions. Documents Annexures P-5 and P-6 are taken on record.

CRM-M-9189 of 2013

This order shall dispose of Crl.Misc. No. M-9189 of 2013 (Rajpal Singh and others Versus Sukhdev Singh), Crl.Misc.No.M-9104 of 2013 (Rajpal Singh and others Versus Jagir Singh) and Crl. Misc. No.M-9190 of 2013 (Swinder Singh and others Vs. State of Punjab and others) .

Crl.Misc. No. M-9189 of 2013 has been filed for quashing/setting aside complaint No.337/43 dated 23.12.2008 titled “Lakhwinder Singh Versus Harpal Singh and others” pending in the court of Judicial Magistrate Ist Class, Ajnala (Annexure P-2) as well as all consequential proceedings arising therefrom including the summoning order dated 03.10.2012 (Annexure P-3) on the basis of a settlement arrived at between the parties.

Crl.Misc.No.M-9104 of 2013 has been filed for quashing/setting aside complaint No. 18/2009 (Annexure P-

2) titled “Jagir Singh Vs. Rajpal Singh and others” under Sections 420, 467, 468, 471 and 120-B, IPC pending in the court of Judicial Magistrate Ist Class, Ajnala, as well as all consequential proceedings arising therefrom including the summoning order dated 29.08.2012 (Annexure P-3) on the basis of compromise arrived at between the parties; and

Crl. Misc. No.M-9190 of 2013 has been filed for quashing/setting aside the FIR No. 128 dated 19.07.2008, registered under Sections 307, 364, 353, 332, 186, 189, 342, 148, 149, 382, IPC, Police Station Lopoke, District Amritsar (Anneuxre P-2), charge-sheet dated 23.01.2010 (Annexure P-3), as well as proceedings arising therefrom on the basis of compromise arrived at between the parties.

FIR had been registered on the basis of statement of Raj Pal Singh. Complaints have been filed by Jagir Singh and Lakhwinder Singh against the other parties. It is submitted by learned counsel for the petitioners in all the cases that the offence punishable under Section 307, IPC is not attracted. This compromise has been arrived at between the parties in order to maintain peace, harmony and cordial relations between each other. They do not wish to perpetuate any bad blood between them. They all wish to give a quietus to the dispute. The incident in question had taken place at the time of Gram Panchayat election. In this

situation, it would be in the interest of justice to quash the above mentioned complaints and FIR. Learned counsel for the petitioners as well as the private respondents in all the cases affirm the factum of settlement between the parties and state that none of them have any objection to the quashing of the above said complaints and the FIR. The above said settlement was arrived at between the parties on 12.03.2013 on the intervention of respectables, elders and friends.

In Criminal Miscellaneous No.9189-M of 2013 parties were directed to appear before the trial Court on or before 19.01.2015, in Criminal Miscellaneous No.9104-M of 2013 they were directed to appear before the trial Court on or before 24.12.2014 and in Criminal Miscellaneous No.9190-M of 2013 parties were directed to appear before trial Court on 18.12.2014. In all the cases learned trial Court was directed to record the statements of the parties in respect to the settlement and submit a report regarding the genuineness of the compromise, whether it has been entered into out of free will and volition of the parties, without any fear, apprehension, undue influence or coercion. Information was also sought whether any of the petitioners was a proclaimed offender or involved in any other case.

Separate reports in pursuance to the above said

order have been received in all the cases. Report dated 24.12.2014 has been received in Criminal Miscellaneous No.9104-M of 2013 from Judicial Magistrate Ist Class, Ajnala to the effect that the settlement has been arrived at between the parties without any fear, pressure or allurements. Statement of Jagir Singh in the said case has been recorded to the effect that the matter stands settled out of his own free will and without any threat or coercion. He does not wish to continue the proceedings against the petitioners. Statements of all the parties have been appended along with the report.

Report dated 02.01.2015 has been received in Criminal Miscellaneous No.9189-M of 2013 from Judicial Magistrate Ist Class, Ajnala, wherein it is observed that the settlement has been arrived at between the parties out of their own free will and without any fear, apprehension, undue influence or coercion. Statement of the complainant Sukhdev Singh son of the original complainant, Lakhwinder Singh has been recorded affirming the settlement between the parties. He has stated that he was substituted as the complainant on 24.11.2009 as original complainant i.e., his father Lakhwinder Singh had passed away on 19.11.2009. Statement of Raj Pal Singh has also been recorded. The report mentioned one of the accused Rachpal Singh to be a

proclaimed offender, though his name is not mentioned in the array of the seven accused. Statement of the parties have been appended along with the report.

Report dated 13.01.2015 has been received in Criminal Miscellaneous No.9190-M of 2013 from Additional District and Sessions Judge, Amritsar wherein it is observed that the settlement has been arrived at between the parties out of their own free will and without any fear, apprehension, undue influence or coercion. Statement of the complainant Raj Pal Singh as well as all concerned persons was recorded. It is informed that one of the accused Sawinder Singh son of Asha Singh had been passed away. Accused are not stated to be proclaimed offenders. Statements of all the affected parties have been recorded and appended along with the report.

Undoubtedly, offence punishable under Section 307, IPC cannot be compounded. FIR or a complaint registered under Section 307, IPC among other sections cannot be set aside merely on the basis of a settlement between the parties. However, this Court cannot lose sight of the fact that the continuance of the proceedings in this case would be a futile exercise in view of the settlement which has indeed been arrived at between the parties. No useful purpose would be served by continuing the said

proceedings. All these proceedings stem from a dispute which arose at the time of Gram Panchayat election. Parties have decided to bury the hatchet. An effort has been made to maintain cordial relations and maintain a peaceful atmosphere. In this situation, it would definitely serve the interest of justice if the above mentioned proceedings are quashed. Furthermore, chances of conviction of the accused persons are absolutely bleak. Therefore, it is considered just and expedient to quash the aforementioned proceedings.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member Bench of this court has observed,

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is, “finest hour of justice”.

Consequently, all the above said petitions are allowed and complaint No. 337/43, dated 23.12.2008 titled “Lakhwinder Singh Vs. Harpal Singh and others” pending in the court of Judicial Magistrate, Ist Class, Ajnala (Annexure P-2) order dated 03.10.2012 (Annexure P-3) as

well as all consequential proceedings arising therefrom;
complaint no.18/2009 (Annexure P-2) titled “Jagir Singh Vs. Rajpal Singh and others” under Sections 420, 467, 468, 471 and 120-B, IPC, pending in the court of Judicial Magistrate, Ist Class, Ajnala, summoning order dated 29.08.2012 (Annexure P-3) as well as consequential proceedings arising therefrom;
and FIR No.128 dated 19.07.2008 registered under Sections 307, 364, 353, 332, 186, 189, 148, 149, 382, IPC at Police Station Lopoke, District Amritsar (Annexure P-2) charges framed against the accused by the learned trial Court on 23.01.2010 as well as all consequential proceedings arising therefrom are hereby quashed in the interest of justice.

09.02.2015

Anoop

(LISA GILL)

JUDGE