

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6770 of 2015

Date of decision: July 31, 2015.

Babbu Singh & thers

... **Petitioners**

v.

State of Punjab & others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Amandeep Chhabra, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Kulwinder Singh, Advocate for respondents No.2 and 3.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 233 dated 25.10.2006, registered under Sections 323, 452, 336, 148, 149 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) and Sections 25/27 of the Arms Act at Police Station Malout, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings on the basis of the affidavits sworn by the private respondents, dated 8.11.2006 (Annexures P2 & P3).

2. Vide order dated 30.3.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The learned Judicial Magistrate 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 Judicial Magistrate 1st Class, Malout through the learned District & Sessions Judge, Sri Muktsar Sahib along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“In compliance to the aforesaid order, the parties appeared before the court of undersigned. The complainant Jagdev Singh son of Bohar Singh and injured witness Gurmeet Singh son of Joginder Singh and all the accused persons namely Babbu Singh son of Sukhdev Singh, Jaswinder Singh alias Naati son of Roop Singh, Baljit Singh alias Beeta son of Karaj Singh, Kedeeep Singh son of Jaspal Singh and Gurbinder Singh son of Kulwant Singh, all residents of village Virk Khera, Tehsil Malout, District Sri Muktsar Sahib have appeared and got recorded their statements by stating that the present FIR has been registered on the basis of the statement of the complainant Jagdev Singh. However, with the intervention of the Panchayat and respectable persons of the village, they have arrived into a compromise with the above said accused persons. The matter has been amicably decided between them as they all are co-villagers. Now the complainant party does not want to proceed further against the accused persons. The

compromise between the complainant party and the accused persons is voluntarily, without any pressure, coercion, by other party and the same is with their free will. The complainant party has left with no grudge against the above said accused persons. This compromise is in the interest and welfare of all of them as well as for their future relationship. Now the complainant party has no objection if the present FIR is quashed and the above said accused persons are acquitted.

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It is pertinent to mention here that the parties have placed on record the compromise deed dated 10.04.2015.

I am satisfied that aforesaid statements made by the complainant party and all the accused persons are voluntarily and are without any threat, inducement or pressure.”

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 respondents No.2 ad 3 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victims has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the complainant/injured Jagdev Singh had contested and lost the election of village Sarpanch. On the night of Diwali, he had advised some boys of the village, including the petitioners, not to indulge in gambling. Due to this reason, the petitioners are alleged to have attacked the complainant as well as the injured witness to wreak vengeance.

7. From the statements of the complainant as well as of the petitioners recorded by the learned 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 affidavits sworn by the complainant and injured witness have already been placed on record as Annexures P2 and P3.

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. 233 dated 25.10.2006, registered under Sections 323, 452, 336, 148, 149 IPC and Sections 25/27 of the Arms Act at Police Station Malout, District Sri Muktsar Sahib (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 31, 2015.
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[Darshan Singh]
Judge