

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

CRM-M-7116-2014

Date of Decision: January 23, 2015

Chanan Singh and others

....Petitioners

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. J.S Grewal, Advocate
for the petitioners.

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

Mr. A.K. Khunger, Advocate
for respondent Nos.2 to 4.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C., is for quashing of FIR No.104 dated 28.12.2011, for the offences punishable under Sections 148, 323, 336, 452 read with Section 149 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Khuiansarwar, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P1).

Vide order dated 21.04.2014, the affected parties were directed to appear before the learned trial Court for getting their respective statements recorded. The said Court was further directed to ascertain the genuineness of the compromise and submit its report before this Court.

In compliance of the above, respondent Nos.2 to 4, namely, Kuldeep Singh, Sukhjeet Singh and Sukhyad Singh as well as petitioners (five in number) did appear before the Court below and got their respective statements recorded with regard to compromise.

Report received from learned Judicial Magistrate First Class, Abohar reveals that the private parties got effected the compromise which was reduced into writing with their free will and full senses so that they may live in peace and harmony and there may not be any conflict among them in future.

Learned counsel for the petitioners submits that on account of a vacant plot, the quarrel between the parties had taken place in which both the parties had received simple injuries. Due to intervention of respectable and elderly people of the society, petitioners have resolved their dispute with respondent Nos.2 to 4 and effected a compromise. The said fact has been verified by the learned trial Court. The private parties have also resolved their civil disputes. The pendency of the present case would be sheer abuse of process of law. In support of his submissions, the learned counsel has placed reliance on a judgment passed by Hon'ble the Supreme Court in the matter of "***Gian Chand Vs. State of Punjab, 2012 (4) RCR (Crl.) 543*** and a five-Judge Bench judgment of this Court in a matter of "***Kulwinder Singh and another Vs. State of Punjab and others 2007 (3) RCR (Crl.) 1052.***"

Learned counsel for the State after going through the copies of the statements and the report received from the learned trial Court and further seeking instructions from ASI Baldev Singh of Police Station Khuiansarwar, District Fazilka, very fairly concedes that he has no objection if the impugned FIR and the proceedings emanating therefrom are quashed on the basis of compromise.

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

Present occurrence had taken place on account of a vacant plot between the private parties who are residing in the vicinity. Due to intervention of the respectable and elderly people of the society, they have resolved all their disputes and effected a compromise. In that regard the report has been received from learned Judicial Magistrate First Class, Abohar. Learned counsel for the State has also verified the factum of compromise from the Police Officer, who has brought the file. This Court is of the considered view that the offences alleged to have been committed by the petitioners were personal in nature. The termination of the criminal proceedings would further improve the relations between the private parties. Hon'ble the Supreme Court in the matter of ***Gian Chand's*** case (supra) and a larger Bench of this Court in the matter of ***Kulwinder Singh's*** case (supra) have also held that the offences which are non-compoundable but are personal in nature

can be permitted to be compounded while exercising the jurisdiction under Section 482 Cr.P.C.

Keeping in view the totality of the facts and circumstances of the case FIR No.104 dated 28.12.2011, for the offences punishable under Sections 148, 323, 336 and 452 read with Section 149 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Khuiansarwar, District Fazilka and all consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 23, 2015
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