

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-7148 of 2014
Date of Decision: 19th February, 2015

Rachpal Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

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

Present: Mr. Gurcharan Dass, Advocate
for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Mr. C.S. Jattana, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioners, namely, Rachpal Singh, Navdeep Singh @ Mandeep Singh, Mithu Singh and Gurjant Singh for quashing of FIR No. 9 dated 15.01.2013, registered under Sections 379, 447, 427, 511, 148, 149 IPC at Police Station Talwandi Sabo, District Bathinda, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that there were total five accused and one accused, namely, Sandeep Singh has expired on 30.11.2013 and his death certificate is also annexed as Annexure P-4 with the petition and no challan has been presented so far. Learned counsel also submits that during pendency of the investigation, with the

intervention of the respectables of the society, a compromise has been arrived at between the parties. Learned counsel further submits that the parties are closely related to each other, the present dispute arose because of partition and some misunderstanding and that has now been sorted out between them. Learned counsel further submits that the purpose of compromise is to maintain peace and harmony between the relations as they are from common grandfather. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel for respondent No.2 has also affirmed the factum of compromise.

Notice of motion was issued on 07.03.2014 and vide order dated 02.05.2014, the parties were directed to appear before the Illaqa Magistrate on 29.05.2014 for recording of their statements with regard to compromise. The Illaqa Magistrate was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid direction, the parties have appeared before the Sub Divisional Judicial Magistrate, Talwandi Sabo and accordingly their statements were recorded. A report has been sent by the Sub Divisional Judicial Magistrate, Talwandi Sabo, wherein, the factum of compromise has been affirmed. Parties to the dispute have specifically stated in their statements that the compromise has been arrived at between them and now they do not want to proceed further with the proceedings. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side. It has also been mentioned in the report that no other case except the present FIR is pending against the parties and the civil dispute pending between them

has also been withdrawn.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Sub Divisional Judicial Magistrate, Talwandi Sabo, it is clear that the dispute between the parties has been settled.

Since the dispute between the parties has been settled by way of compromise, the complainant has no objection in quashing of the FIR on the basis of compromise and also the fact that both the parties are closely related to each other being collateral and have common grandfather, namely, Sh. Daldeep Singh and moreover, the civil suit pending between the parties has also been withdrawn, the continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and that would not only be mere wastage of the time of the Court but it would also not be in the interest of both the parties. The purpose of compromise is to maintain peace and harmony in the relations and not for any ulterior motive. This Court has power to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 9 dated 15.01.2013, registered under Sections 379, 447, 427, 511, 148, 149 IPC at Police Station Talwandi Sabo, District Bathinda, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Rachpal Singh, Navdeep Singh @ Mandeep Singh, Mithu Singh and Gurjant Singh are hereby quashed.

19.02.2015
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(DAYA CHAUDHARY)
JUDGE