

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-7311 of 2014

Date of Decision: 15.5.2015

Sarabjit Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Sachin Sharma, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Gaurav Sharma, Advocate
for respondent No. 2.

Darshan Singh, J.

1. 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.") seeking quashing of FIR No. 322 dated 28.12.2013, registered under Section 336 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 30 of the Arms Act, 1959 (hereinafter referred to as "the Act") at Police Station Sultanwind, District Amritsar and all the subsequent proceedings on the basis of the compromise deed dated 4.1.2014 (Annexure P2).

2. Vide order dated 19.8.2014, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court 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 Chief Judicial Magistrate, Amritsar through the learned District & Sessions Judge, Amritsar along with the copies of the statements of the parties. The operative part of the report of the learned Chief Judicial Magistrate is reproduced as under:

“the complainant Sandeep Singh S/o Hardev Singh R/o H. No. 02, Gali No. 01, New Kapoor Nagar, Sultanwind Road, Amritsar, District Amritsar, who has got registered the captioned FIR, against the petitioner Sarabjit Singh S/o Kashmir Singh, R/o H. No. 96, New Green Field, Majitha Road, Amritsar, District Amritsar, has come present in this Court & stated that the entire matter has been settled with the petitioner namely Sarabjit Singh and he has no objection if the said FIR against above said accused be quashed. The petitioner Sarabjit Singh has also come present in this Court on 29.09.2014 and stated that the dispute between them has been compromised. As per the statement of A.S.I. Satnam Singh, No. 3275, Amritsar, P.S. Sultanwind, Distt. Amritsar, City, there is only accused in the captioned FIR namely Sarabjit Singh & accused has never been declared proclaimed offender by any of the court.

From the statements of the parties, it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine.”

4. Learned counsel for the petitioner 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 respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioner has been indicted as accused for the offences punishable under Section 336 IPC and Section 30 of the Act on the allegations that on 28.12.2013, complainant-Sandeep Singh was busy in the bhog ceremony of Akhand Path on the the occasion of barsi of his elder brother Amandeep Singh, who died on 16.6.2013. His relatives and brother-in-law Sarabjit Singh were attending the said ceremony. On that day at about 8.00 P.M., his brother-in-law Sarabjit Singh came to the house of the complainant in inebriated condition and started raising dispute with him. After some time, he went away from the house of the complainant and while going away, he fired shots with his licensed revolver. Thereafter, one person came in the car and took away Sarabjit Singh. In this way, the complainant lodged an FIR against Sarabjit

Singh.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Chief 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 compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner is 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. 322 dated 28.12.2013, registered under Section 336 IPC and Section 30 of the Act at Police Station Sultanwind, District Amritsar 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.

(Darshan Singh)
Judge

May 15, 2015
"DK"