

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

CRM-M-7582 of 2015

Date of decision: September 22, 2015

Gurmail Singh and Others

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM:HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. A.K. Kalsy, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

None for respondent No. 2.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 482 Cr.P.C., is for quashing of FIR No. 159, dated 10.10.2014, for the offences punishable under Sections 120-B, 148, 323, 324, 341, 452 and 506 read with Section 149, IPC, registered at Police Station, Division No. 7, Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 27.4.2015, this Court had directed

the affected parties to appear before the learned trial Court for getting their respective statements recorded with regard to the compromise.

The said Court was also directed to ensure the identity of the witnesses as well as the fact that statements were being made voluntarily and without any pressure. It was further directed that report in that regard is also sent to this Court.

In compliance of the above, Raju son of Tirath Singh, injured/informant as well as six petitioners did appear before the Court below and got recorded their respective statements with regard to the compromise (Annexure P-2).

Respondent No.2-informant-Raju suffered the following statement:-

"Stated that I had got registered FIR No. 159 dated 10.10.2014, under sections 452, 324, 323, 341, 120-B, 506, 148, 149 of IPC, PS Division No. 7, Ludhiana. I have entered into compromise with the accused persons. So, keeping in view the good and cordial relations for future. I do not want to pursue with the prosecution of this case and I have no objection if the present case is quashed by the Hon'ble Punjab and Haryana High Court, where the petition under Section 482 Cr.P.C., has already been filed and which is pending for 31.07.2015. The original compromise is attached in the Hon'ble High Court file and today I have seen the photocopy of the compromise i.e. Panchayat Rajinama which is correct and which bears the signatures of both the parties. I have also brought proof of my identification i.e. Photocopy of the certificate issued by Councilor and original is attached in the Hon'ble High Court file

and copy of the same is Ex. C2. My compromise with the accused persons is voluntary and without any pressure".

The relevant part of the report received from learned Judicial Magistrate Ist Class, Ludhiana is as under:-

"After going through the statements of parties so recorded, I am of the considered view that the compromise between the parties is genuine, voluntary and without any threat, coercion or pressure.

It is further submitted that as per the report submitted by the concerned Police Station, the instant FIR is registered against 6 persons namely 1) Gurdial Singh son of Ajit Singh, 2) Bittu son of Joginder Singh 3) Sonu son of Joginder Singh, 4) Gurmail Singh son of S. Ajit Singh, 5) Joginder Singh son of Harnam Singh and 6) Wariam Singh son of Mohan Singh. Further, as per report, no P.O. proceeding is pending against any of the accused.

True copies of the statements of the parties, report of concerned police station regarding any proceedings, compromise are enclosed herewith".

Learned counsel for the petitioners submits that better sense has prevailed and both the private factions have resolved their dispute and effected a compromise (Annexure P-2); Raju injured-informant as well as the petitioners did appear before the Court below and got their respective statements recorded with regard to compromise. He further submits that in view of the totality of the facts and circumstances of the case, pendency of FIR and all consequential proceeding arising therefrom, are sheer abuse of process of law.

Learned counsel for the State, on instructions from Head

Constable Bhupinder Singh, Police Station, Division No. 7, Ludhiana submits that in view of the factum of compromise he has no objection if the FIR and all consequential proceedings emanating therefrom, are quashed.

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

As per the material available on record, the present criminal litigation has arising out of an on going matrimonial dispute between Sonu (petitioner No. 3) and his wife, who is sister of respondent No. 2-informant Raju, brother-in-law(Saala) of petitioner No. 3. With the help of respectable, family members and elderly people of the society, the matter has been resolved. Both the parties have suffered their respective statements admitting the factum of compromise before learned Court below. The report received from the said Court also shows that the compromise so effected was voluntary one. Counsel for the parties are also *ad idem* that in view of the compromise, the pendency of the impugned FIR and all consequential proceedings arising therefrom, would be an abuse of the process of law.

In view of the statements suffered by learned counsel for the parties, the report received from trial Court and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543**, and a 5-Judge Bench judgment of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another,**

2007 (3) RCR (Criminal) 1052 (P&H), present petition is allowed. FIR No. 159, dated 10.10.2014 for the offences punishable under Sections 120-B, 148, 323, 324, 341, 452 and 506 read with Section 149, IPC, registered at Police Station, Division No. 7, Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

September 22, 2015
Poonam (II)

(NARESH KUMAR SANGHI)
JUDGE