

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8038 of 2015

Date of Decision: 20.4.2015

Sunny and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Inderpal Singh Parmar, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Navkesh Singh Goraya, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Sunny, Aman, Gagan, Bala Rani, Rakesh alias Kala, Harpreet Singh alias Harry and Jaspreet Singh alias Jassa under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 256 dated 8.9.2014, registered under Sections 323, 341, 354-B, 506, 148 & 149 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Jodhewal, District Ludhiana and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 12.3.2015, 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 Judicial Magistrate Ist Class, Ludhiana through the learned District & Sessions Judge, Ludhiana along with the copies of the statements of the parties. The operative part of the report of the learned Magistrate is reproduced as under:

“Statements of petitioners Sunny, Rakesh Kumar alias Kala, Bala Rani, Jaspreet Singh, Gagan, Aman and respondents Sonia, Rocky Sharma recorded wherein they have stated that they have compromised with each other voluntarily.

From the statements, it appears that compromise has been voluntarily entered into between the parties. The compromise appears to be genuine and without any pressure or coercion.

As desired, the report along with statements of Sunny, Rakesh Kumar alias Kala, Bala Rani, Jaspreet Singh, Gagan and respondents Sonia, Rocky Sharma is submitted for kind consideration.”

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 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 petitioners have been indicted as accused for the offences punishable under Sections 323, 341, 354-B, 506, 148 & 149 IPC on the allegations that on 7.9.2014 at about 8.00 P.M., complainant-Sonia was strolling outside her house. In the meantime, her neighbour, namely Kala uncle started imitating her. When she asked him not to imitate her, his wife, daughter and both the sons came there and started quarreling with her. Then Kala uncle and his sons caught hold the complainant and started molesting her and asked as to do what could I do. They molested the complainant intentionally. Meanwhile, her husband and nephew, namely Sunny son of Narinder Kumar came there. She narrated the incident to them. On their confrontation, Kala uncle and his sons started abusing them. Thereafter, her neighbours, namely Harry, Jassa son of Mohini Grewal along with three/four boys started giving beatings to her husband and Sunny with baseball bats, gandsi and danda. Jassa gave gandasi blow on the head of her husband and others hit them with baseball bats and dandas and threw the complainant on the ground. Kala uncle, his wife, daughters and sons

also gave beatings to the complainant. On this, a lot of persons gathered at the spot and rescued them from the culprits. Thereafter, the culprits left the spot along with their respective weapons by threatening them. The complainant and her husband and nephew were taken to the hospital.

7. From the statements of the complainant as well as of the petitioners recorded by the learned 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 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. 256 dated 8.9.2014, registered under Sections 323, 341, 354-B, 506, 148 & 149 IPC at Police Station Jodhewal, District Ludhiana and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

April 20, 2015
"DK"