

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9161 of 2015

Date of decision: July 28, 2015.

Gurmeet Singh and others

... **Petitioners**

v.

State of Punjab & others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Mandeep Kaushik, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Yogesh Goel, Advocate for respondent No.2.
Shri Varun Baanth, Advocate for respondent No.3.

Darshan Singh, J. (Oral):

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.”) for seeking quashing of FIR No. 35 dated 24.4.2006, registered under Sections 323, 324, 326, 452, 506, 148, 149 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Division No.4, Ludhiana (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 14.3.2015 (Annexure P2).

2. Vide order dated 26.3.2015, a Coordinate Bench of this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The learned Judicial Magistrate 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 1st 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 Judicial Magistrate is reproduced as under:

“... the undersigned has recorded the statements of the parties to the said writ petition, i.e., complainant Manish Kumar and his father Darshan Lal Aggarwal and the accused persons namely Gurmeet Singh son of Hukam Singh, (ii) Santokh Singh son of Sohan Singh, (iii) Gurpreet Singh alias Lucky son of Santokh Singh, (iv) Rajinder Singh @ Vicky son of Santokh Singh, (v) Vinod Kumar son of late Amar Nath and (vi) Pawan Kumar son of late Amar Nath, separately.

After going through the statements of the parties, I am of the considered view that the compromise between the parties is genuine. ...”

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 respondents No.2 and 3 have also fairly conceded that in view of the compromise effected between the parties, the complainants/victims have no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the complainants, are alleged to have attacked the respondent-complainants with kirpan, baseball bat as also inflicted fist blows, as they suspected that the complainants were helping their kin in a civil dispute over property with one of the accused-petitioners, namely, Santokh Singh. Therefore, the accused were nursing a grudge against the complainant party.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and her 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 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. 35 dated 24.4.2006, registered under Sections 323, 324, 326, 452, 506, 148, 149 IPC at Police Station Division No.4, Ludhiana (Annexure P-1) 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.

10. It may be mentioned at this stage that petitioners No.4, 5 & 6, namely, Rajinder Singh, Vinod Kumar and Pawan Kumar have already been placed in column No.2 in the charge sheet along with one non-petitioner Gurdeep Singh. However, it is ordered that the impugned FIR shall stand quashed qua all the accused, including the petitioners.

July 28, 2015.
kadyan

[**Darshan Singh**]
Judge