

CRM-M-960-2015(O&M)

-1-

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

CRM-M-960-2015(O&M)

Date of Decision: September 14, 2015

Yodh Singh @ Jodha and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr.P.S.Paul, DAG, Punjab
for respondent No.1.

None for respondent No.2.

.....

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?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.66, dated 06.11.2009, for the offences punishable under Sections 324 and 326, read with Section 34, IPC, registered at Police Station, Old Shalley, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of compromise, Annexure P2.

Vide order dated 11.05.2015, this Court had directed

the affected parties to appear before learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send the copies of the statements along with its report before this Court on or before the date fixed.

In compliance of the above, the petitioners as well as respondent No.2-informant-Gurmukh Singh did appear before the Court below and got recorded their respective statements with regard to the compromise.

Respondent No.2-informant-Gurmukh Singh suffered the following statement:-

“Stated that the matter has been compromised between me and accused in FIR No.66, dated 06.11.2009, u/s 324, and 34, IPC, (Section 326 IPC added later on), P.S.Purana Shalla with the intervention of respectables of area. The compromise arrived at between parties is with free consent and without any pressure from any corner. So I do not want to prosecute the accused. No other case is pending between me and accused party. I have voluntarily made this statement without any pressure and coercion before this Id.Court and I have no grudge against accused persons and I have no objection at all if the present case is quashed in the Hon'ble High Court.”

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

"I have the honour to submit that vide order dated 11.05.2015 passed in CRM-M-960-2015 by Hon'ble High Court, the parties were directed to appear before the trial Court on 16.05.2015 to get record their statements regarding compromise and after recording their statements, trial Court was directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 04.08.2015. In compliance to the above said order, statements of complainant Gurmukh Singh son of Santokh Singh resident of village Gunnopur, Tehsil and District Gurdaspur has been recorded, wherein complainant stated that the matter has been compromised between him and accused party with the intervention of respectables of area and relatives, which is with his free consent and without any pressure from any corner. Statement of accused Surinder Kumar @ Tony son of Ashok Kumar is also recorded to this effect. Further, complainant and accused stated that no other case is pending between them. The compromise arrived at between parties seems to be with free consent and without any pressure from any corner."

Learned counsel for the State has pointed out that as many as three persons including the petitioners were nominated

as accused. Petitioner No.1-Yodh Singh @ Jodha has been acquitted by learned trial Court during the pendency of the present petition and, as such, the present petition has been rendered infructuous qua him. The second accused, namely, Romi Sharma @ Romi is still a proclaimed offender. He after obtaining instructions from ASI Jagdish Singh, Police Station, Bhaini Mian Khan, submits that initially petitioner No.2 Surinder Kumar @ Tony was also a proclaimed offender but under the instructions of this Court, he had appeared before learned Court below and was granted bail. He fairly submits that the parties have sorted out their dispute and effected a compromise and he has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed qua petitioner No.2 on the basis of compromise.

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 P2). He further submits that the affected parties had appeared before the Court below and got recorded their respective statements with regard to compromise. He further submits that pendency of the FIR and consequential proceeding arising therefrom are sheer

abuse of process of law since chances of conviction and sentence of petitioner No.2 are bleak. He further submits that the co-accused of petitioner No.2 has been acquitted after trial.

After hearing the learned counsel for the parties, considering the statement suffered by respondent No.2-informant-injured Gurmukh Singh, the report received from learned trial Court, the submissions of learned counsel for the State and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matters of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench 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.66, dated 06.11.2009, for the offences punishable under Sections 324 and 326, read with Section 34, IPC, registered at Police Station, Old Shalley, District Gurdaspur, and all the consequential proceedings arising therefrom are quashed qua petitioner No.2.

Disposed of accordingly.

September 14, 2015
meenu

(NARESH KUMAR SANGHI)
JUDGE