

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9663 of 2015 (O&M)

Date of Decision: 21.07.2015

Raj Pal Singh & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. Ramesh Sharma, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM Nos. M-9663 of 2015 (Raj Pal Singh & others Vs. State of Punjab & another) and M-9667 of 2015 (Harjinder Singh @ Pappi & others Vs. State of Punjab & others) as the prayer made in these two connected petitions is for quashing of F.I.R. No.148 dated 22.7.2009 under Sections 323, 324, 325, 148, 149 I.P.C registered at Police Station, Shahkot, District Jalandhar as also cross case registered under sections 324, 34 I.P.C on the statement of Raj Singh (Annexure P-1).

Since quashing of the main F.I.R as also of the cross case was sought on the basis of compromise, vide separate orders carrying even date i.e. 25.3.2015, passed in these two connected petitions, this Court had directed the parties to appear before the Trial Court for recording of their statements in support of the compromise and a report had been called for.

Placed on record on the file of CRM No. M-9663 of 2015 is a report dated 8.4.2015 of the learned J.M.I.C., Nakodar and which reads in the following terms:-

"1. Vide two separate orders dated 25.03.2015 passed in Crl.Misc. Bearing No. M-9663 of 2015 and 9667 of 2015 respectively, the Hon'ble High Court has been pleased to direct this Court to send the report with regard to the validity of the compromise after recording the statements of all the concerned parties, (being a cross case) before the next date of hearing i.e. 07.05.2015.

2. It is respectfully submitted that vide above said order, the parties are directed to appear before this court on 08.04.2015 and this court has been directed to report after recording statements of the parties with regard to genuineness of the compromise. As such on 08.04.2015, complainant's as well as accused persons (being a cross case) appeared in this Court for getting their statements recorded. Complainant Raj Singh son of Harmesh Singh resident of Village Baupur, P.S. Shahkot, District Jalandhar (in Crl. Misc. no.9663 of 2015) got recorded his statement to the effect that he has got registered the present case against accused Mal Singh, Rajpal Singh and Harbans Kaur, however he stated that accused Harbans Kaur has since died. He further stated that he has effected a compromise with the accused person namely Mal Singh and Rajpal Singh with the intervention of respectables. He has further stated that he has compromised the matter with the accused above said without any pressure and coercion and now he does not want to proceed against the accused persons. He has also stated that this compromise has been arrived in between us to maintain peace harmony and brotherhood between us and locality. Finally, he stated that he has no objection, if the present FIR bearing no. 148 dated 22.07.2009, U/s 324/34 of IPC, P.S.Shahkot is quashed against the accused persons.

3. Raj Pal Singh son of Mal Singh resident of Village Baupur, injured in cross case (in crl. Misc. no,9667 of 2015) has also suffered a similar statement to the effect that the present case was registered on the statement of Harbans

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Kaur, his mother, who has since died, against accused Harmesh Singh, Harjinder Singh, Surinder Singh, Raj Singh and Pal Kaur, however he stated that accused Harmesh Singh has since died. He further stated that he is injured in this case and he has effected a compromise with the accused person namely Harjinder Singh, Surinder Singh, Raj Singh and Pal Kaur with the intervention of respectable. He has further stated that he has compromised the matter with the accused above said without any pressure and coercion and now he does not want to proceed against the accused persons. He has also stated that this compromise has been arrived in between us to maintain peace harmony and brotherhood between us and locality. Finally, he stated that he has no objection, if the present FIR bearing no. 148 dated 22.07.2009, U/s 324/325/148/149 IPC, P.S.Shahkot is quashed against the accused persons. Pritam Singh son of Ranjit Singh resident of Village Barrewal, P.S.Shahkot, District Jalandhar, who is also injured in this case, has reiterated the version of injured Raj Pal Singh above said.

4. Statements of accused persons namely Raj Pal Singh and Mal Singh (in Crl.Misc. No.9663 of 2015), have also been recorded. They stated that they have effected a compromise with the Complainant with the intervention of respectable. They further submitted that they have settled all the matters with the complainant and now they wants to live a peaceful atmosphere. The compromise has been effected between them without any pressure and coercion. They have also stated that their co-accused Harbans Kaur has since died. They also stated that this compromise has been arrived in between us to maintain peace harmony and brotherhood between us and locality. Finally they prayed for quashing the FIR in question i.e. FIR bearing no.148 dated 22.07.2009, U/s: 324/34 of IPC, P.S. Shahkot.

5. Statements of accused persons of cross case namely Harjinder Singh alias Pappi, Soni alias Surinder Singh, Raj

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Singh and Pal Kaur (in Crl.Misc.No.9667 of 2015) have also been recorded. They stated that they have effected a compromise with the injured person Raj pal Singh and Pritam Singh with the intervention of respectable as the complainant namely Harbans Kaur, at whose instance the present case was registered, has since died. They further submitted that they have settled all the matters with the injured above said and now they wants to live a peaceful atmosphere. The compromise has been effected between them without any pressure and coercion. They further stated that their co-accused Harmesh Singh has since died. They also stated that this compromise has been arrived in between us to maintain peace harmony and brotherhood between us and locality. Finally they prayed for quashing the FIR in question i.e. FIR bearing no. 148 dated 22.07.2009, U/s: 323/325/148/149 of IPC, P.S. Shahkot.

6. From the statements of the parties it is clear on record that the Complainant Raj Singh (in Crl.Misc.No.9663 of 2015) and injured Raj Pal Singh and Pritam Singh (in Crl. Misc. No.9667 of 2015) have voluntarily entered into a compromise with accused persons, with the intervention of the respectable and relatives. Perusal of available record further shows that accused Harbans Kaur, who is also complainant in cross case and accused Harmesh Singh in cross case have since died and proceedings against them have already been abated. Parties have also placed on record photocopies of their identity card to establish their identity. Thus, report is accordingly submitted to the effect that parties have voluntarily entered into compromise and the same is genuine one.

Report is accordingly submitted.”

A bare perusal of the report would make it clear that the parties have entered into a compromise without any pressure or coercion.

Even the counsel appearing for complainants in both these connected petitions also make a statement that they would have no objection as regards the impugned F.I.R being quashed in the light of a settlement having been arrived at between the parties.

A Full Bench of this Court in case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052* has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C can intervene and bring to an end criminal prosecution in the light of a compromise that may have been effected between the parties even in relation to non-compoundable offences.

In view of the conscious decision taken by the parties to continue with their lives in peace and harmony, it would be a fit case for this Court to exercise its powers under section 482 Cr.P.C to bring to an end the criminal prosecution initiated in the light of the impugned F.I.R as also the cross version.

Accordingly, both the petitions are allowed. F.I.R. No.148 dated 22.7.2009 under Sections 323, 324, 325, 148, 149 I.P.C registered at Police Station, Shahkot, District Jalandhar as also cross case registered under sections 324, 34 I.P.C and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petitions are allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
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