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

CRM-M-9819-2015

Date of Decision: September 10, 2015.

SANDEEP AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.B.B.S.Randhawa, Advocate
for the petitioners

Mr.P.S.Paul, DAG, Punjab

Mr.Jasjeet Singh Virk, Advocate
for respondent Nos.2 to 8

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing of FIR No.90 dated 15.07.2014, for the offences punishable under Sections 148,323,354 and 452 read with 149 IPC, registered at Police Station, Sri Hargobindpur, Police District Batala and consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 26.03.2015, the affected parties were directed to appear before learned Trial Court for getting their statements recorded with regard to the compromise. The said Court was also directed to record its satisfaction to know the genuineness of the statements to be suffered by the parties that the statements were not under any threat, pressure or

coercion in any manner. The learned Trial Court was further directed to send a detailed report along with statements of the parties before this Court and also to intimate whether any case was pending against either of the parties.

In compliance of the above, the aggrieved persons, namely, Akashdeep Singh, Kiran, Pooja, Sarabjit Kaur, Lakhwinder Singh and Paramjit Kaur did appear before the Court below and got their respective statements recorded with regard to compromise. The report along with copies of the statements have been received. The operative part of the report received is as under:-

“First of all statement of complainant Lakhwinder Singh alias Laddi son of Tara Singh resident of Shukala has been recorded, who stated that the case FIR No.90 of 15.07.2014, under Section 452 etcetera of Indian Penal Code, Police Station Sri Hargobind Pur was registered against the accused on his statement and now the matter stand compromised with the intervention of respectable and he has no objection if the present FIR is quashed. He further stated that he has given this statement without any coercion and pressure. He specifically stated that he has no objection if the present FIR is quashed. He further stated that no other case of civil and criminal nature is pending between the parties.

Further the statement of witnesses Kiran, Pooja, both daughters of Baldev Singh, Sarabjit Kaur wife of Lakhwinder Singh, Akashdeep Singh son of Sucha Singh, Paramjit Kaur wife of Baldev Singh and Mukhwidner Singh son of Tara Singh,

residents of Shukala have been recorded separately, who stated that the present case was registered against the accused on the statement of Lakhwinder Singh alias Laddu and now the matter stand compromised with the intervention of respectable and they have no objection if the present FIR is quashed. They further stated that they have given this statement without any coercion and pressure and they have no objection if the present FIR is quashed. He further stated that no other case of civil and criminal nature is pending between the parties.

Then separate statements of petitioners/accused namely Sandeep, Babu both sons of Billu, Lalli, Khushia, Golu, Raju sons of Ram Bharosa and Prabha son of Mukhtiar Masih resident of village Shukala have been recorded, who stated therein that the above-said case has been registered against them on the statement of complainant Lakhwinder Singh alias Laddi, however, with the intervention of respectable the matter stand compromised. Accused Sandeep also stated that no case of civil or criminal nature, except the present case is pending between the parties.

From the above statements of the complainant, witnesses and accused reveals that the valid and genuine compromise has been effected between the parties and same is without any pressure or coercion. Further it has come in statement of the parties that no case either of civil or criminal nature, except the present one, is pending between the parties.”

Learned counsel representing the aggrieved persons concedes that both the private factions have effected the compromise, therefore, aforesaid FIR and consequential proceedings arising therefrom, are quashed.

Learned State counsel on instructions from ASI Swambarjit Singh, Police Station Sri Hargobindpur, Police District Batala submits that he has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise (Annexure P-2) and the report received from the learned Trial Court.

Learned counsel for the petitioners submits that the houses of private parties are adjacent to each other and on account of trivial motive duel had taken place in which Akashdeep had received simple injuries. Due to the intervention of the respectable and elderly people of the village, better sense prevailed and both the parties have effected a compromise (Annexure P-2). He further submits that in view of said fact the pendency of the impugned FIR and the consequential proceedings arising therefrom, would be an abuse of process of law. In support of his contention learned counsel for the petitioners placed reliance on a Full Bench judgment of Hon'ble the Supreme Court of India in the matter of **Gian Singh vs. State of Punjab & another 2012(4) RCR (Criminal)543**. He has also placed reliance on 5-Judge Bench judgment of this Court titled "**Kulwinder Singh and others**

vs.State of Punjab and another 2007(3)RCR(Cr1.)1052 (P&H).”

After hearing learned counsel for the parties and going through the copies of statements of the aggrieved persons, the report received from the learned Trial Court and the judgments cited by learned counsel for the petitioners, FIR No.90 dated 15.07.2014, for the offences punishable under Sections 148,323,354 and 452 read with 149 IPC registered at Police Station Sri Hargobindpur, Police District Batala and consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

September 10, 2015
TSG