

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10588-2015

Date of Decision: January 7, 2016

Shamdin

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Manjeet Kaur, Advocate,
for Mr. Sandeep Singh Deol, Advocate,
for the petitioner.

Mr. R.S. Randhawa, Addl. AG, Punjab,
for respondent No. 1.

Mr. Vinay Kumar, Advocate,
for respondent Nos. 2 and 3.

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)

The present petition under Section 482, Cr.P.C., has been filed by Shamdin, son of Hazi Alamgir, resident of village Haryana Davinda, Tehsil and District Hoshiarpur, for quashing of FIR No. 62, dated 27.4.2014 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427, IPC, registered at

Police Station, Adampur, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 14.5.2015, the affected parties were directed to appear before the learned Trial Court/Area Judicial Magistrate for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard to this Court.

On 27.7.2015, this Court had passed the following order:-

“ Report of learned Judicial Magistrate Ist Class, Jalandhar has been received, which is accompanied by statement of complainant Paramjit Kaur and accused Shamdin. However, as pointed out by learned State counsel the injured in the incident was Kirandeep Singh. His statement has not been recorded by the court so far. Learned counsel for the petitioner requests for a date for his presence before learned trial court for recording of the statement. Accordingly, injured Kirandeep shall appear before the trial Court/ Area Magistrate on 10.08.2015 for getting his statement recorded with regard to the compromise. The learned trial court/ Area Magistrate, after ensuring his identity as well as the fact that the statement is being made by him voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing.

List on 20.10.2015.”

In compliance of the above, respondent No. 3/injured, Kirandeep Singh, did appear before learned Court below and suffered his statement.

Respondent No. 2/informant, Paramjit Kaur, suffered the following statement:-

“ I entered into the compromise with the accused Shamdeen who is present today in the court. I have got no objection if the FIR No. 62 dated 27.04.2014 u/s 279/337/338/427 IPC, P.S. Adampur, registered against accused Shamdeen is quashed by Hon’ble High Court. The compromise has been effected voluntarily without any coercion, duress or any undue influence. I do not want to proceed with the present case, as per the compromise. My husband Amandeep Singh who was injured in this case had died naturally due to heart attack on 15.12.2014. I placed on record the copy of my Adhar Card showing my details, which is Ex. C1. (original seen and returned)”

Respondent No. 3/injured, Kirandeep Singh, suffered the following statement:-

“ I along with my sister in law Paramjit Kaur complainant had entered into the compromise with the accused Shamdeen who is present today in the court. I have got no objection if the FIR No. 62 dated 27.04.2014

u/s 279/337/338/427 IPC, P.S. Adampur, registered against accused Shamdeen is quashed by Hon'ble High Court. The compromise has been effected voluntarily without any coercion, duress or any undue influence. I placed on record the copy of my voter card showing my details, which is Ex. C3. (original seen and returned)."

The petitioner also suffered similar statement admitting the factum of the compromise.

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

"it seems that compromise effected between them is genuine one and is voluntarily without any coercion, duress or any undue influence. Only one accused namely Shamdin son of Hazi Alamgir has been involved in the present case/FIR. No person has been declared proclaimed offender in the present case. Hence, my report as desired by the Hon'ble High Court regarding the genuineness of the compromise effected between the parties."

Learned proxy counsel for the petitioner submits that all the offences except Section 279, IPC, are compoundable. As per prosecution version, Amandeep Singh and Kirandeep Singh had received injuries in the motor vehicular accident, attracting the mischief of Sections 337 and 338, IPC. At a later stage, the injured Amandeep Singh died due to heart attack. The wife of Amandeep

Singh has been arrayed as respondent No. 2, who had also lodged the present FIR. She further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of her contentions, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052.

Learned counsel for the State on instructions from HC Ashok Kumar of Police Station, Adampur, District Jalandhar, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

Learned counsel for respondent Nos. 2 and 3 has also admitted the factum of the compromise and has no objection if the impugned FIR and all the consequential proceedings are quashed

on the basis of the compromise (Annexure P-2) and the statements suffered by the aggrieved persons.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that Amandeep Singh and Kirandeep Singh had received injuries in a motor vehicular accident. Kirandeep Singh and Paramjit Kaur, widow of Amandeep Singh, have sorted out the dispute and effected a compromise and, as such, pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner are bleak in view of the compromise so effected between the private parties.

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith statements of the affected parties received from learned Court below would reveal that the aggrieved persons have genuinely effected a compromise with the petitioner and they have no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances

of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra) and Kulwinder Singh (supra)**, this petition is accepted and FIR No. 62, dated 27.4.2014 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427, IPC, registered at Police Station, Adampur, District Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

January 7, 2016
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE