

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-1186-2016

Date of Decision: February 27, 2016

Lakhwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Raman Mohinder Sharma, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Kushagra Mahajan, Advocate,
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)

The present petition under Section 482, Cr.P.C., has been filed by Lakhwinder Singh, Malkiat Singh, Jaspreet Singh @ Jas and Kala, for quashing of FIR No. 85, dated 22.6.2015

(Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC, registered at Police Station, Dirba, District Sangrur, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 30.12.2015 (Annexure P-2).

Vide order dated 13.1.2016, the affected parties were directed to appear before the learned Trial Court 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 alongwith copies of the statements to this Court.

In compliance thereof, respondent No. 2/informant/injured, Harnaib Singh @ Naib Singh @ Harnek Singh, did appear before learned Judicial Magistrate First Class, Sunam, and suffered the following statement:-

“ Stated that FIR No. 85 dated 22.06.2015 under Sections 323, 324, 506, 34 IPC and Section 326 IPC (added later on) Police Station Dirba was registered on my statement. I have compromised with the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. I have no objection if FIR is quashed.”

The operative part of the report received from

learned Court below is as under:-

“ I am satisfied that compromise arrived at between the parties is voluntarily with free consent.”

Learned counsel for the petitioners submits that as a result of refusal by respondent No. 2/informant in not permitting the petitioners to irrigate their land from his (respondent No. 2) water course, the quarrel had taken place between both the private factions and the present criminal litigation had originated. He further submits that due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and all the consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contentions, learned counsel has placed reliance on 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 ASI Gurdev Singh of Police Station, Dirba, District Sangrur, after going through the statement suffered by respondent No. 2/informant/injured and the report received from learned Court below, submits that he has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

Learned counsel for respondent No. 2 states at the bar that respondent No. 2/informant/injured did appear before learned Court below and suffered the statement with regard to effecting the compromise. He further submits that respondent No. 2 has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

The report alongwith the statement of respondent No. 2/informant/injured received from learned Court below would reveal that both the private factions have genuinely effected a compromise and he (respondent No. 2) has no objection if the impugned criminal 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. 85, dated 22.6.2015 (Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC, registered at Police Station, Dirba, District Sangrur, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 27, 2016
Pkapoor