

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-16790-2015

Date of Decision: January 18, 2016

Ram Chander and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vivek Suri, Advocate,
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana,
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)

The present petition under Section 482, Cr.P.C., has been filed by eight petitioners, namely, Ram Chander, Vinod @ Nabhi, Shri Bhagwan, Ram Kumar, Sultan, Kanshi Ram, Bablu and Surinder, for quashing of FIR No. 313, dated 20.9.2012 (Annexure

P-1), for the offences punishable under Sections 147, 323, 341, 452 and 506 read with Section 149, IPC, registered at Police Station, Sampla, District Rohtak, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 21.5.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/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 to this Court.

In compliance thereof, the affected parties did appear before learned Judicial Magistrate Ist Class, Rohtak, and got recorded their joint statement with regard to the compromise.

The report has been received, operative part of which is as under:-

“Statement of parties were recorded wherein they all have stated that compromise has been effected between them without any fear, pressure rather it has been effected with the intervention of respectable persons from society. Learned defence counsel has stated vide his separate statement that no accused has been declared proclaimed offender in the present case.

In view of the statement made by the parties, the court is of considered view that the compromise has been entered into out of free will and volition of the parties, without any fear, apprehension undue influence or coercion and the same is voluntary and genuine one. No accused has been proclaimed offender and quashing sought is by all the accused. The case was fixed for evidence of prosecution when the present application has been moved.”

Learned counsel for the petitioners urged 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 consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, 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 after going through the joint statement 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.

After hearing learned counsel for the parties and going through the material available on record, this Court 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 joint statement of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person has genuinely effected a compromise with the petitioners and he has 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. 313, dated 20.9.2012 (Annexure P-1), for the offences punishable under Sections 147, 323, 341, 452 and 506 read with Section 149, IPC, registered at Police Station, Sampla, District Rohtak, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 18, 2016
Pkapoor