

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-17496-2014

Date of Decision: February 1, 2016

Palwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Jaswinder Singh, Advocate,
for Mr. Jasbir Singh Chahal, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
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 Palwinder Singh, Rajwinder Singh and Shamsher Singh, for quashing of FIR No. 149, dated 7.12.2013 (Annexure

P-1), for the offences punishable under Sections 323, 324 and 326 read with Section 34, IPC, registered at Police Station, Ghuman Kalan, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide order dated 5.2.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Gurdaspur, 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, the affected parties did appear before learned Court below and got recorded their respective statements with regard to the compromise.

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

“ Stated that an FIR No. 149, dated 7.12.2013, under Sections 323, 324, 326, 34 of IPC, Police Station Ghuman Kalan, District Gurdaspur, was registered against accused persons on my statement. Now with the intervention of respectables the matter has been compromised and now I do not want to pursue with the present case. I have suffered this statement without any

pressure or coercion. I have no objection if the present case FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise. Now there is no grudge against each other. Neither any criminal case is pending between the parties."

All the three petitioners also suffered a joint statement admitting the factum of the compromise.

The operative part of the report received from learned Court below is as under:-

" From the statements of parties, it appears that parties have effected compromise with each other without any pressure or coercion and the compromise is genuine."

Learned counsel for the petitioners urged that on account of previous litigation regarding partitioning of land and tilling of fields (to prepare the land for raising of crops) between both the private parties, the quarrel had taken place and impugned FIR was registered. 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-3). 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 on instructions from ASI Shyam Singh of Police Station, Ghuman Kalan, District Gurdaspur, 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.

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 sheer abuse of the 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 statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/injured has genuinely effected a compromise with the petitioners and she 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. 149, dated 7.12.2013 (Annexure P-1), for the offences punishable under Sections 323, 324 and 326 read with Section 34, IPC, registered at Police Station, Ghuman Kalan, District Gurdaspur, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 1, 2016
Pkapoor