

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-17660-2015

Date of Decision: February 24, 2016

Surinderpal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ajay Pal Singh, Advocate,
for Mr. Amitoj Singh Dhaliwal, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

None for respondent No. 2/informant/injured.

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)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 172, dated 26.11.2014, for the offences punishable under Sections 120-B, 148, 307, 323, 324,

326 and 506 read with Section 149, IPC, registered at Police Station, Kot Isse Khan, District Moga, and all the consequential proceedings arising therefrom, on the basis of the compromise.

Vide order dated 5.1.2016, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Moga, 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/injured/informant, Kapil Dev Sharma, suffered the following statement:-

“ Above titled case FIR No. 172 dated 26.11.2014, under Sections 307, 326, 324, 323, 148, 149, 506, 120B, IPC, PS Kot Ise Khan was registered against accused Surinderpal Singh, Raghu Sharma, Bikram Sharma, Lucky Takkar, Jatinder Kumar and Raman Sharma on my statement. I had lodged this FIR on correct facts. Now matter has been compromised with accused at the intervention of respectables of the society. I am left with no grudges against the accused. I have no objection if FIR be quashed. I am making my statement

out of my own free will without pressure from any corner. No other case is pending between me and accused persons.”

All the six petitioners, namely, Surinderpal Singh, Raghu Sharma, Bikram Sharma, Lucky Takkar, Jatinder Kumar, and Raman Sharma, also suffered their 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 the parties, this court is of the view that both the parties out of their free will and consent have compromised the matter and resolved the dispute. Compromise effected between the parties is without any coercion, influence and is genuine one.”

Learned counsel submits that as a result of old enmity between the private parties, the present criminal litigation had originated. He further submits that initially six persons were nominated as accused. During investigation it has been found that the petitioners had committed the offences punishable under Sections 323 and 324 read with Section 34, IPC, only. He further submits that better sense has prevailed and respondent No. 2/injured/informant, Kapil Sharma, has sorted out the

dispute and effected a compromise with the petitioners. 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 Hari Singh of Police Station, Kot Isse Khan, District Moga, submits that out of six petitioners, petitioner Nos. 1, 2 and 5, namely, Surinderpal Singh, Raghu Sharma and Jatinder Kumar, have been declared innocent. He further submits that Sections 307 and 326, IPC, have been deleted. After going through the statements and the report received from learned Court below, he 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.

It is apposite to mention here that on the last date of hearing, i.e. 5.1.2016, learned counsel for respondent No. 2/injured/informant also made statement before this Court admitting the factum of the compromise and that he (respondent No. 2) had no objection if the impugned FIR and all the consequential proceedings emanating therefrom were 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 there is substance in the submission of learned counsel for the petitioners 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 statements of the affected parties received from learned Court below would reveal that respondent No. 2/injured/informant 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. 172, dated 26.11.2014, for the offences punishable under Sections 120-B, 148, 323, 324 and 506 read with Section 149, IPC (Sections 307 and 326, IPC, have already been deleted, as disclosed by learned counsel for the State) registered at Police Station, Kot Isse Khan, District Moga, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 24, 2016
Pkapoor