

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17851-2015

Date of Decision: February 25, 2016

Dayal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. A.S. Khinda, Advocate,
for the petitioners.

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

Mr. Munish Gulati, Advocate,
for respondent Nos. 2 to 4.

.....

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 Dayal Singh, Gurmit Singh @ Mita, Bakshish Singh @ Deesha, Suri @ Jarnail Singh, Charan Singh, Jarnail Singh @ Bittu, Kala @ Mukhtiar Singh, Mehar, Jeet Singh, Jasbir Singh @

Sonu and Rana, for quashing of FIR No. 104, dated 03.08.2009 (Annexure P-1), for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, registered at Police Station, Bholath, District Kapurthala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide order dated 01.09.2015, 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 alongwith copies of the statements to this Court, specifying the following:

- 1. The number of accused arrayed in the FIR and how many had appeared before it and had made statements and whether any accused was absconding/P.O. in the case;*
- 2. The name of the complainant and injured and whether all of them had appeared and made their statement in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise was genuine, voluntarily and out of free will of the parties.*

In compliance thereof, the affected parties did appear

before learned Judicial Magistrate, First Class, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Balvir Singh, suffered the following statement:-

“Stated that, I have compromised the matter with the accused Dyal Singh son of Sohan Singh and injured and other witness Gurmeet Singh @ Mitta son of Dyal Singh, Bakshish Singh @ Disha son of Dyal Singh, Charan Singh son of Sohan Singh, Suri @ Jarnail Singh son of Dyal Singh, Jarnail Singh @ Bittu son of Karatar Singh, Kala @ Mukhatiar son of Dyal Singh, Mehar Singh son of Sukha Singh, Jeet Singh son of Sohan Singh, Jasbir Singh @ Soun son of Jeet singh, Rana son of Chana. I being the complainant has effected the compromise with the accused with the intervention of respectable of the locality without any pressure, threat or coercion, to keep harmony amongst the parties.”

Respondent Nos.3 and 4/injured, Darshan Singh and Deep @ Deep Singh, also admitted the factum of compromise.

The petitioners also suffered the statement admitting the factum of the compromise.

The operative part of the report received from learned

Court below is as under:-

“..... In view of the said order, all the petitioners and respondents have appeared before the Court on 31.10.2015. Their statements have been recorded and the parties are duly identified by their respective counsels. As per their statement the compromise has been reached in between the parties voluntarily without any pressure or coercion through the intervention of the Hon’ble High Court.

It is further submitted that total seven persons have been arrayed as accused in FIR and later on four other persons were summoned U/s 319 Cr.P.C. as additional accused. Accused Jasbir Singh @ Sonu was Proclaimed Offender in the present case. All the accused including accused Jasbir Singh @ sonu have appeared before the Court to make their statements. Deep Singh is complainant-cum-injured and Darshan Singh and Balvir Singh are also injured of the present case and all the injured appeared before the Court to make their statements with regard to compromise. The case is at stage of remaining evidence of prosecution. This is for your kind information and necessary action.”

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-3). 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 taking instructions from ASI Inderpal Singh of Police Station, Bholath, District Kapurthala, and 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 finds 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/informant/aggrieved person, Balvir Singh, and respondent Nos.3 and 4/injured, Darshan Singh and Deep @ Deep Singh, have genuinely effected a compromise with the petitioners 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. 104, dated 03.08.2009 (Annexure P-1), for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, registered at Police Station, Bholath, District Kapurthala, and all

the consequential proceedings arising therefrom are hereby
quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 25, 2016
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