

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18309-2015

Date of Decision: February 27, 2016

Vijay Kumar @ Dimple and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: None for the petitioners.

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

Mr. Navdeep Kalair, 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 Vijay Kumar @ Dimple and another, for quashing of FIR No. 85, dated 30.4.2015 (Annexure P-1), for the offences punishable under Sections 324, 326 and 341 read with Section 34, IPC, registered at Police Station, Division No. 7 (Vardhman), District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 5.5.2015

(Annexure P-2).

Vide order dated 15.12.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Ludhiana, 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, Himanshu Arora, did appear before learned Court below and suffered the following statement :-

“ Stated that present case bearing FIR no. 85 dated 30.4.2015 u/s 324/341/326/34 IPC has been registered against Vijay Kumar @ Dimple and Vikas Kumar @ Vicky on my statement. Now with intervention of respectables, the matter has been compromised between me and accused and regarding the same a petition under Section 482 Cr.P.C. for quashing the FIR was filed by accused persons in Hon’ble Punjab and Haryana High Court and the Hon’ble High Court vide its order dated 15.12.2015 had directed the parties to get their statements recorded. Since I have compromised the matter with the accused persons and the same is genuine so I do not want to pursue with the present case. Present compromise has been effected with my free consent without any pressure, threat and coercion.

I have no objection if the present case be quashed. I have also brought my identity i.e. driving licence and photocopy of the same placed on the record.”

Both the petitioners also appeared before the learned Court below and got recorded their respective statements with regard to the compromise.

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

“As per the statements of the parties to the case, this court is of the considered view that the parties have arrived at a compromise with their free consent and voluntarily.”

No one has put in appearance on behalf of the petitioners.

Learned counsel for the State on instructions from HC Bua Singh of Police Station, Division No. 7, Ludhiana, 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.

Learned counsel for respondent No. 2 states at the bar that respondent No. 2/informant/injured, Himanshu Arora, 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.

I have heard learned counsel for the State and counsel for respondent No. 2 and with their able assistance gone through the material available on record.

It has come on record that over a petty dispute in a marriage party, the quarrel had originated and the present criminal litigation was set into motion. 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.

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. In this regard reliance is placed 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.

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 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. 85, dated 30.4.2015 (Annexure P-1), for the offences punishable under Sections 324, 326 and 341 read with Section 34, IPC, registered at Police Station, Division No. 7 (Vardhman), District Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 27, 2016
Pkapoor