

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22161-2015

Date of Decision: February 17, 2016

Surjeet Singh @ Jeet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. G.S. Salana, Advocate,
for the petitioners.

Mr. R.S. Randhawa, Addl. AG, Punjab.

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):

Present petition under Section 482, Cr.P.C., has been filed by Surjeet Singh @ Jeet Singh and Shankar @ Ram Shanker Yadav, for quashing of FIR No. 45, dated 1.3.2010 (Annexure P-1), for the offences punishable under Sections 147, 323 and 326 read with Section 149, IPC, registered at Police Station, Gobindgarh Mandi, District Fatehgarh Sahib, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 30.4.2015 (Annexure P-2).

Vide order dated 14.1.2016, the affected parties were directed to appear before the learned 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 alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Sub-Divisional Judicial Magistrate, Amloh, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Jagdeep Singh @ Jaggi, suffered the following joint statement:-

“ With the intervention of respectables, I have entered into compromise with the accused Surjeet Singh and Shanker alias Ram Shanker Yadav. I have seen original compromise dated 30.4.2015. Same bears my signatures and same is correct. Compromise is Ex. CX. I have entered into compromise with the accused Surjeet Singh and Shanker alias Ram Shanker Yadav with my free will and without any coercion or pressure undue influence. I have no objection if the FIR No. 45 dated 1.3.2010, U/S 326, 323, 147, 148 IPC, P.S Mandi Gobindgarh and further proceeding be quashed against accused Surjeet Singh and Shanker alias Ram

Shanker Yadav.”

The petitioners also suffered their respective statements admitting the factum of the compromise.

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

“From their statements, it seems that the compromise between the parties is voluntary, genuine and is not the result of any pressure or coercion in any manner.”

Learned counsel for the petitioners urged that on a trivial issue, i.e. upon stopping the accused persons from consuming liquor and making noises, by the informant/respondent No. 2, the quarrel had originated and impugned FIR was registered against the petitioners, Surjeet Singh @ Jeet Singh and Shankar @ Ram Shanker Yadav and one Raju. He further submits that during trial the accused, Raju, has since died. 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-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 on instructions from HC Balwinder Singh of Police Station, Gobindgarh Mandi, District Fatehgarh Sahib, 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 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 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. 45, dated 1.3.2010 (Annexure P-1), for the offences punishable under Sections 147, 323 and 326 read with Section 149, IPC, registered at Police Station, Gobindgarh Mandi, District Fatehgarh Sahib, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 17, 2016
Pkapoor