

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23629-2015

Date of Decision: February 11, 2016

Balraj Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Ravinder Kaur Manaise, Advocate, for
Mr. Gopal Singh Nahel, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

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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 has been filed under Section 482, Cr.P.C., for quashing of FIR No. 86, dated 18.06.2015 (Annexure P-1), for the offences punishable under Sections 323, 458 and 506 read with Section 34, IPC, registered at Police Station, Moonak, District Sangrur, and all the consequential proceedings arising

therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 10.09.2015, 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 along with copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Trial Court, and got recorded their respective statements with regard to the compromise.

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

“Stated that I have effected compromise with accused namely Balraj Singh, Gulab Singh both sons of Hari Chand, Kashmir Singh son of Balraj Singh, all residents of Fulad, Tehsil Moonak, Distt. Sangrur in the present case with the intervention of respectables of our villagers. This compromise has been effected out of my free will without any inducement, threat, promise or coercion from any corner. The same has been effected in order to end bitterness and to restore cordial relation between us. It is therefore submitted that if the offences of present FIR No. 86 dated 18.06.2015, P.S.

Moonak, u/s 458/323/506/34 IPC may kindly be quashed in the interest of justice. I shall remain bound by this compromise. I have no objection if the FIR quashed.”

Respondent No. 3./injured, Ashok Kumar, also admitted the fact that he has effected compromise with the accused/petitioners.

Similarly, 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:-

“The undersigned has carefully gone through the statements got recorded by the complainant Sukhchain Singh, injured/eyewitness Ashok Kumar and accused namely Balraj Singh, Gulab Singh and Kashmir Singh. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations. Hence this report, Photocopies of the statements are enclosed herewith for kind perusal.”

Learned proxy counsel for the petitioners submits that the present criminal litigation had originated on account of land dispute between the private parties and 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. She further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and all the consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of her contentions, learned proxy 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 Head Constable Sukhwant Singh, Police Station Moonak, District Sangrur, 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 also finds that there appears to be substance in the submission of learned proxy 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 along with statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person and Respondent No. 3/injured, Ashok Kumar, 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. 86, dated 18.06.2015 (Annexure P-1), for the offences punishable under Sections 323, 458 and 506 read with Section 34, IPC, registered at

Police Station, Moonak, District Sangrur, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 11, 2016
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