

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-24074-2015

Date of Decision: February 25, 2016

Jagdish Kumar @ Pappu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Veneet Sharma, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, 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)

The present petition under Section 482, Cr.P.C., has been filed by Jagdish Kumar @ Pappu, Vandana and Pawan Kumar, for quashing of FIR No. 46, dated 18.02.2015 (Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC, registered at Police Station,

Sultanwind, Amritsar City, and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit, dated 9.7.2015 (Annexure P-2).

Vide orders dated 28.8.2015, 1.10.2015 and 14.12.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Amritsar, 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.

There were total three injured persons, namely, Veermani @ Veermati, Roshan Lal and Sunil Kumar, however, the First Information Report was lodged at the behest of respondent No. 2/informant/injured, Veermani @ Veermati. She suffered the following statement before learned Court below:-

“ I have got registered FIR No. 46 dated 18.2.2015 under Sections 323/324/506/34, IPC, registered at P.S. Sultanwind, Distt. Amritsar against accused Jagdish Kumar @ Pappu, Vandana and Pawan Kumar and now with the intervention of respectables, entire matter between me and the accused has been amicably

settled. I have arrived at compromise with the accused out of my free will and willful consent. I have no objection, if the (FIR No.?) 46 dated 18.2.2015 under Sections 323/324/506/34 IPC, registered at P.S. Sultanwind, Distt. Amritsar, is quashed."

The remaining two injured, namely, Roshan Lal and Sunil Kumar, suffered the following joint statement:-

" The complainant Veermani has got registered FIR No. 46 dt 18.2.15 under sections 323, 324, 506, 34 of IPC (offence under Section 326 IPC added lateron) police station, Sultanwind, against accused Jagdish Kumar @ Papu, Vandana, Pawan Kumar, whose statements already recorded. We have received injuries at the time of alleged occurrence and now with the intervention of respectables, entire matter between us, complainant and the accused has been amicably settled. There is no other case pending except the present one. We have no objection, if the FIR no. 46 dt 18.2.15 under sections 323, 324, 506, 34 of IPC, police station (offence under section 326 IPC added lateron) Sultanwind is quashed."

All the three 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 the statement of the parties, it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine. Hence, the requisite report.”

Learned counsel for the petitioners submits that both the private factions are thickly related to each other. He further explained that Puja, daughter of petitioner Nos. 1 and 2 and sister of petitioner No. 3, was married with Sunil Kumar. As a result of indifferences between the petitioners and injured persons regarding the marriage life of Sunil Kumar and Puja, the present criminal litigation had originated. 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 ASI Balwinder Singh of Police Station, Sultanwind, Amritsar City, 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 the informant/injured persons 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. 46, dated 18.02.2015 (Annexure P-1), for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC, registered at Police Station, Sultanwind, Amritsar City, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 25, 2016
Pkapoor