

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24811-2015

Date of Decision: January 5, 2016

Ranjit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kewal Krishan, Advocate,
for Mr. Premjit Kalia, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent Nos. 1 to 3.

Mr. A.P. Kaushal, Advocate,
for respondent No. 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 Ranjit Singh son of Channan Singh and Karamjit Singh son of Ranjit Singh, both residents of village Mehlawala, Tehsil Ajnala, District Amritsar, presently residing at House No. 9, Phase 3-A, Sector 53, S.A.S. Nagar, for quashing of FIR No. 230,

dated 19.12.2007 (Annexure P-1), for the offences punishable under Sections 120-B, 420, 465, 467, 470, 471 and 473, IPC, registered at Police Station, Majitha, District Amritsar Rural, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 9.6.2015 (Annexure P-4).

Vide order dated 3.8.2015, 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 alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Additional Chief Judicial Magistrate, Amritsar, and got recorded their respective statements with regard to the compromise.

Respondent No. 4/informant/aggrieved person, Manjit Kaur, suffered the following statement:-

“ That one FIR no. 230, dated 19.12.2007, under section 420/465/467/470/471/473/120-B of IPC registered at PS Majitha, Amritsar (Rural) was got registered by me. Now with the intervention of respectables of society, compromise has been effected between us without any pressure and undue influence or force and coercion. I will get 5 kanal 2 marlas land from Ranjit Singh son of Channan Singh and Karamjit Singh son

of Ranjit Singh without payment of money. I do not want to proceed with the case further and I have no objection if the FIR no. 230, dated 19.12.2007, under section 420/465/467/470/ 471/473/120-B of IPC registered at PS Majitha, Amritsar (Rural) be quashed/cancelled by the Hon'ble High Court against accused present in the court..”

Both the petitioners also suffered similar statements admitting the factum of the compromise.

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

“This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any fear or pressure. The compromise is genuine, voluntarily and out of free will of the parties. It is further submitted that as per report of Ahlmad, no case is pending between either of the parties and that no P.O proceedings are pending against the parties. It is further submitted that Four accused namely Kashmir Singh, Pritam Kaur, Karamjit Singh and Ranjit Singh were arrayed in this case out of which accused Kashmir Singh and Pritam Kaur have died and proceedings against them have been abated vide order dated 12.2.2014.”

Learned counsel submits that on account of inheritance and partition of the land in dispute, initially the present criminal

litigation had originated between the petitioners, their co-accused, namely, Kashmir Singh and Pritam Kaur, and respondent No. 4/informant, Manjit Kaur. He further submits that out of four nominated accused, Kashmir Singh and Pritam Kaur have since died and proceedings against them have been abated vide order dated 12.2.2014, passed by learned Trial Court. He further submits that due to intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no ill-will amongst the private parties. He further submits that the offences alleged to have been committed by the petitioners were personal in nature and 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 contentions, learned counsel has placed reliance on the judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582 and **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

Lakhwinder Singh of Police Station, Majitha, District Amritsar Rural, and after going through the statements and the report received from learned Additional Chief Judicial Magistrate, Amritsar, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further fairly admits that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioners are personal in nature. 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. 4/informant, submits at the bar that Manjit Kaur did appear before learned Court below and suffered the statement admitting the factum of the 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 that the present criminal litigation had arisen out of a property dispute and the allegations levelled in the FIR and the offences alleged to have been committed by the petitioners were personal in nature. Both the private parties have resolved their dispute and effected a

compromise and, as such, there remains no dispute between them. In the facts and circumstances of the case, 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 the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith statements of the affected parties

received from learned Court below would reveal that respondent No. 4/informant/aggrieved person has genuinely effected a compromise with the petitioners and she 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 **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 230, dated 19.12.2007 (Annexure P-1), for the offences punishable under Sections 120-B, 420, 465, 467, 470, 471 and 473, IPC, registered at Police Station, Majitha, District Amritsar Rural, and all the consequential proceedings arising therefrom are hereby quashed.

January 5, 2016
P Kapoor

(NARESH KUMAR SANGHI)
JUDGE