

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24872-2015

Date of Decision: February 17, 2016

Satpal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Manmeet Singh Rana, 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 Satpal, Neeraj Kumar @ Lovely, Vipin Kumar and Baby, all residents of village Nangal Karar Khan, District Jalandhar, for quashing of FIR No. 94, dated 10.5.2015 (Annexure P-1), for the offences punishable under Sections 323 and 452 read with Section 34, IPC, registered at Police Station, Sadar, Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 11.5.2015 (Annexure P-2).

Vide order dated 3.11.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Jalandhar, 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.

Respondent Nos. 2 to 4/aggrieved persons, namely, Madhu, Krishna and Reena, suffered the following joint statement:-

“ Due to intervention of the respectables of the area, we have arrived at compromise with accused Satpal S/o Kartar Chand, Neeraj Kumar @ Lovely S/o Sh. Satpal, Vipin Kumar S/o Satpal and Baby W/o Satpal voluntarily and without any pressure from any side. We have no objection if the FIR No. 94 dated 10.05.2015 under Section 452, 323, 34 IPC, P.S. Sadar, Jalandhar is quashed by the Hon’ble High Court. Photo-stat copy of compromise deed is Mark ‘A’.”

The petitioners also suffered their joint statement admitting the factum of the compromise.

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

“ Keeping in view all aspects and statements of the complainants and accused, I am of the considered view that parties have arrived at a compromise voluntary and without any pressure from any side.”

Learned counsel for the petitioners urged 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 ASI

Sewa Singh of Police Station, Sadar, Jalandhar, 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 Nos. 2 to 4/aggrieved 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. 94, dated 10.5.2015 (Annexure P-1), for the offences punishable under Sections 323 and 452 read with Section 34, IPC, registered at Police Station, Sadar, Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 17, 2016
Pkapoor