

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25012-2015

Date of Decision: February 19, 2016

Sunder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

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

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1.

Mr. J.S. Grewal, Advocate,
for respondent No. 2.

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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 under Section 482, Cr.P.C., has been filed by Sunder Singh and Chinder Kaur, for quashing of DDR No. 17, dated 19.10.2009 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, in case FIR No. 131, dated 18.10.2009, for the offences punishable under Sections 323, 324 and 452 read with Section 34, IPC,

registered at Police Station, Mamdot, District Ferozepur, and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit (Annexure P-2).

Vide order dated 31.07.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/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 specifically stating whether the compromise is genuine and also state about the status/stage of the case. The said Court was further directed to mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.

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

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

“Stated that DDR No.17 dated 19.10.2009 Under Section 324, 323, 34 of IPC was registered against Sunder Singh etc on my

statement being cross version of FIR no. 131. During investigation the version of Sunder Singh was disbelieved by the police and on my statement the accused were challaned in the FIR no. 131. Now after the intervention of respectable & Panchayat members compromise was executed between the parties on 07.04.2015 , photocopy of which is Ex. PX. I identify my signatures on the said compromise. I have executed affidavit to this effect and photo-copy of the same is Ex. PA . The above said compromise was effected between the parties without any coercion or undue influence of any person. After the execution of compromise no grude or enmity remains between the parties. In view of the compromise the parties approached the Hon'ble High Court for quashing the present FIR and the original affidavit are attached with the petition filed before the Hon'ble High Court."

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:-

"..... From the statements of the parties, it

seems that the compromise has been effected between the parties with their free volition and without any coercion and undue influence of any person and in pursuance of compromise, the parties have suffered their respective statements.”

Learned counsel for the petitioners urged that the private parties are related to each other and had old differences. He further submitted that FIR No. 131, dated 18.10.2009, for the offences punishable under Sections 323, 324 and 452 read with Section 34, IPC, was registered on the statement of petitioner, Sunder Singh, against Balbir Singh (respondent No. 2 in the present case) and others, but during investigation, his version was disbelieved by the police and challan was produced against the petitioners vide impugned DDR. He further submitted 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 DDR 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 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 Balbir Singh of Police Station, Mamdot, District Ferozepur, 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 DDR 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 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 alongwith statements of the affected parties

received from learned Court below would reveal that respondent No. 2/informant/aggrieved person has genuinely effected a compromise with the petitioners and he has no objection if the impugned DDR 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 DDR No. 17, dated 19.10.2009 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, in case FIR No. 131, dated 18.10.2009, for the offences punishable under Sections 323, 324 and 452 read with Section 34, IPC, registered at Police Station, Mamdot, District Ferozepur, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 19, 2016
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