

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27115-2015
Date of Decision: January 12, 2016

Veer @ Bir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sunny K.Singla, Advocate,
for the petitioners.

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

Mr.Sandeep Singh, Advocate
for respondent No.2.

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 the petitioners for quashing of FIR No.35, dated 07.04.2014 (Annexure P-1), for the offences punishable under Sections 148, 323, 427, 447/511, 452, 506 read with Section 149. IPC, registered at Police Station, Ahmedgarh, District Sangrur, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexures P-2 and P3).

Vide order dated 14.11.2015, the affected parties were directed to appear before the learned trial Court on 11.09.2015 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 trial Court, and got recorded their respective statements with regard to the compromise.

Respondent No.2/informant/aggrieved person, Harminder Kaur suffered the following statement:-

“Stated that FIR no.35 dated 7.4.2014 under Sections 451, 448, 511, 427, 323, 506, 148 IPC, was registered in Police Station Ahmedgarh against Bir Singh, Jagmohan Singh, Manprit Singh and Lal Singh on my statement. I have effected compromise with the accused persons without any threat, pressure or coercion and out of my own free will. I have no objection if said FIR is quashed.”

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:-

“.....Having considered the facts and circumstances of the case, I am of the view that the compromise is genuine and parties have entered into compromise voluntarily, without any pressure, coercion, or influence. Report is accordingly submitted. The statements of parties are enclosed herewith, as desired please.”

Learned counsel for the petitioners submits that the parties are thickly related; on account of quarrel, the present criminal litigation has arisen between the private parties. Due to intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no dispute amongst the private parties. He further submits that the offences alleged to have been committed by the petitioners were personal in nature. 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 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 HC Jagpal Singh, Police Station, Sadar, Ahmedgarh, District Sangrur, after going through the statements and the report received from learned Judicial Magistrate First Class, Malerkotla, Sangrur, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further fairly admitted that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioners were 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.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that the allegations levelled by respondent No. 2 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.

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.

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. 2/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. FIR No.35, dated 07.04.2014 (Annexure P-1), for the offences punishable under Sections 148, 323, 427, 447/511, 452, and 506 read with Section 149, IPC, registered at Police Station, Ahmedgarh, District Sangrur, and all the consequential proceedings arising therefrom are hereby quashed.

January 12, 2016
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(NARESH KUMAR SANGHI)
JUDGE