

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28425-2015

Date of Decision: January 14, 2016

Karan Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. V.P.S. Mithewal, Advocate,
for Mr. Reet Dahiya, Advocate,
for respondent Nos. 2 and 3.

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 Karan Singh son of Bubba and Bubba son of Babu Ram, both residents of Near Balmiki Mandi Ghee Mandi, Amritsar, for quashing of FIR No. 30, dated 28.1.2014 (Annexure P-1), for the offences punishable under Sections 147, 323, 451 and 506 read with Section 149, IPC, registered at Police Station,

'A' Division, Amritsar, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 10.8.2015 (Annexure P-2).

Vide order dated 25.8.2015, 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 Judicial Magistrate First Class, Amritsar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Mohinder Singh, suffered the following statement:-

“ On my statement an FIR No. 30 dated 28.1.2014 under sections 451, 323, 506, 147, 149 IPC has been registered at PS A Division, Amritsar, against Bubba s/o Babbu Ram and Karan Singh s/o Bubba both r/o near Balmiki Mandi Ghee Mandi, Amritsar. The matter between me and the accused has been compromised and I do not want to proceed with the present case. I have no objection if the present FIR is quashed. The

compromise has been effected voluntarily, without any threat or coercion.”

Respondent No. 3/injured/aggreived person, Harvinder Pal Singh and both the 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:-

“ On the basis of the statement suffered by the parties, it appears that the compromise is genuine, voluntary without any threat or coercion.”

Learned counsel for the petitioners submits that on a petty issue, i.e. payment of an amount of rupees sixty only, the present criminal litigation has originated between the private parties. He further 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 contentions, 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 HC Gurcharan Singh of Police Station, Division 'A', Amritsar, 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.

Learned counsel for respondent Nos. 2 and 3/aggrieved persons, also admits that factum of the compromise and 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 and 3/aggrieved person 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. 30, dated 28.1.2014 (Annexure P-1), for the offences punishable under Sections 147, 323, 451 and 506 read with Section 149, IPC, registered at Police Station, 'A' Division, Amritsar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 14, 2016
Pkapoor